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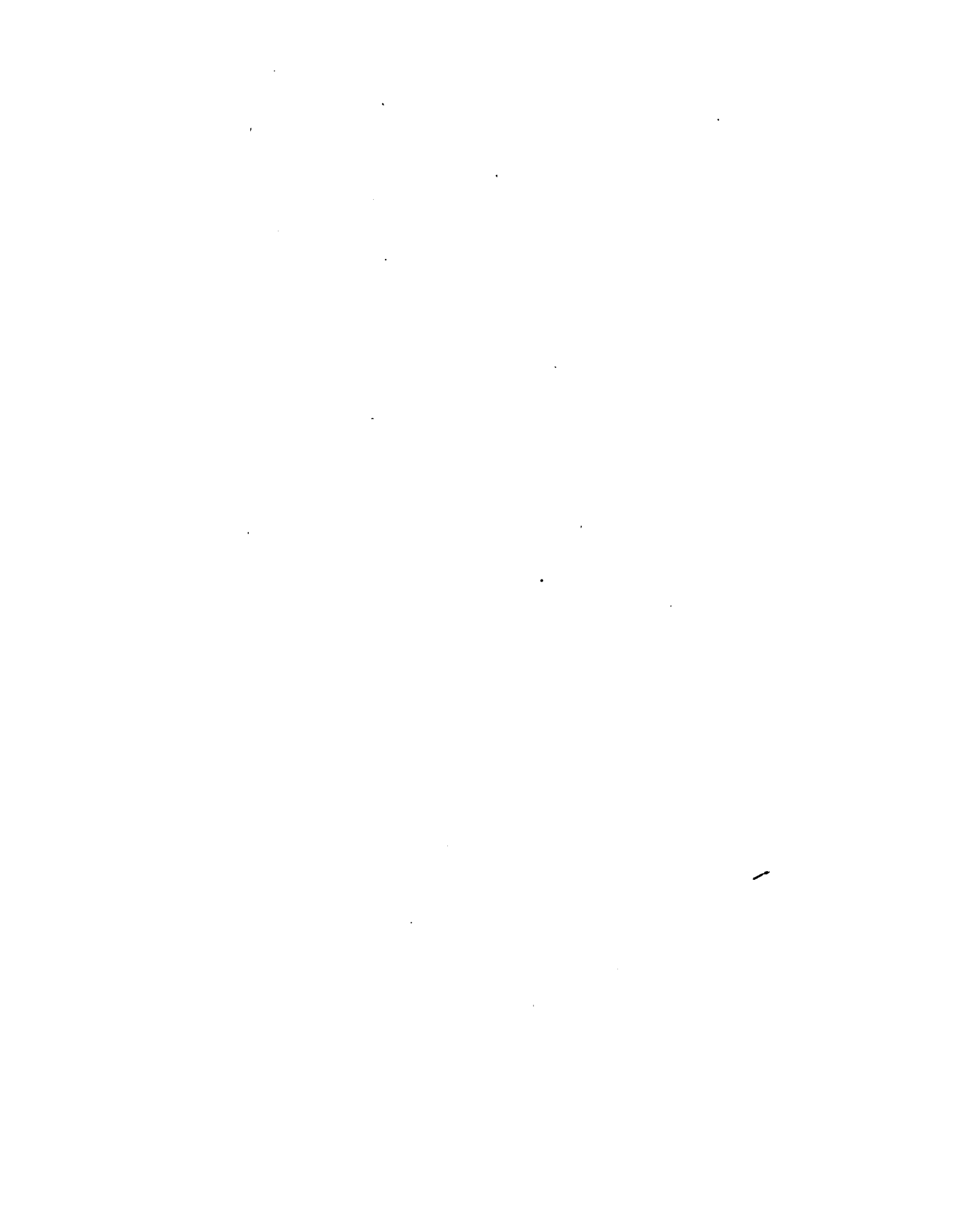


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55TH CONGRESS, }  
2d Session. }

SENATE.

{ REPORT  
} No. 885.

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# REPORT

OF THE

## COMMITTEE ON FOREIGN RELATIONS,

UNITED STATES SENATE,

RELATIVE TO

### AFFAIRS IN CUBA.

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APRIL 13, 1898.—Ordered to be printed.

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WASHINGTON:  
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# Calendar No., 978.

55TH CONGRESS, }  
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## AFFAIRS IN CUBA.

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APRIL 13, 1898.—Ordered to be printed.

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Mr. DAVIS, from the Committee on Foreign Relations, submitted the following

### REPORT.

[To accompany S. R. 149, with the views of the minority.]

The Committee on Foreign Relations, to which was referred the following Senate resolutions: Joint resolution No. 2, authorizing and requesting the President of the United States to issue a proclamation recognizing the political independence of the Republic of Cuba; Senate resolution No. 40, instructing the Committee on Foreign Relations to inquire what obligations the United States have assumed toward the people of Cuba by asserting and maintaining the right to prevent the acquisition of that island by any European power and compelling its people to remain subject to the dominion of Spain; Senate resolution No. 185, that it is the sense of the Senate that Congress should, with all due and convenient speed, acknowledge by appropriate act the political independence of the Republic of Cuba; joint resolution No. 132, recognizing the political independence of the Republic of Cuba, and for other purposes; joint resolution No. 133, recognizing the independence of the Republic of Cuba and declaring war against the Kingdom of Spain; joint resolution No. 134, recognizing the independence of the Republic of Cuba and providing for intervention by the United States; joint resolution No. 135, directing and empowering the President, in his discretion, to terminate, by intervention, the hostilities between Spain and the people of Cuba, and in favor of the independence of said people; joint resolution No. 142, for the recognition of the independence of the Republic of Cuba, and joint resolution No. 145,

authorizing the President to take such steps as are necessary to put an end to hostilities in Cuba and to establish a republican form of government on that island; and the messages of the President of the United States dated March 28, 1898, and April 11, 1898, having duly considered the same, report as follows:

The destruction of the United States battle ship *Maine* and of 2 of her officers and 264 of her crew in the harbor of Havana on the night of February 15, 1898, excited, to an unprecedented degree, the compassion and resentment of the American people.

Manifestations of that resentment were suspended, although the feeling was not allayed, by the self-restraint of our people, who determined to hold their judgment in suspense concerning their ultimate action until an official investigation should disclose the cause of that great disaster and enable them by direct or circumstantial testimony to impute the responsibility therefor.

That investigation has been made. It was conducted with judicial thoroughness and deliberation. The difficulty of demonstrating by conclusive proof the efficient personal cause of that sinister event was the usual one of exposing plotted and mysterious crimes. No such difficulty, however, obscures its official and responsible cause.

The evidence and findings of the Court of Inquiry were transmitted to the Senate by the President, and, with the message, were duly referred to the Committee on Foreign Relations. That committee has considered them, and also the message of the President of April 11, 1898, with all the careful and anxious deliberation which great duties and responsibility impose upon the judgment and conscience.

The event itself, though in a certain sense a distinct occurrence, was linked with a series of precedent transactions which can not in reason be disconnected from it. It was the catastrophe of a unity of events extending over more than three years of momentous history. Standing by itself it would be, perhaps, merely an ominous calamity. Considered, as it must be, with the events with which reason and common sense must connect it, and with animus by Spain so plainly apparent that no one can even plausibly deny its existence, it is merely one reason

for the conclusion to which the investigating mind must come in considering the entire subject of the relations of the United States with that Government. Your committee have also before them several Senate resolutions, which make it their duty to consider all our relations with Spain for the last three years, including the destruction of the *Maine*, as one of the incidents of the history of the war which during that time has devastated the Island of Cuba.

So clearly is the destruction of the *Maine* only a single incident in the relations of this Government with Spain, that if that calamity had never happened the questions between the United States and that Government would press for immediate solution.

It is the opinion of your committee, having considered the testimony submitted to the board of inquiry, in connection with further testimony taken by the committee and with the relevant and established facts presented by the events of the last three years, that the destruction of the *Maine* was compassed either by the official act of the Spanish authorities or was made possible by a negligence on their part so willing and gross as to be equivalent in culpability to positive criminal action.

The status of the *Maine* while in the harbor of Havana and the duty of Spain toward her are defined in the opinion of Chief Justice Marshall in *Schooner Exchange v. McFadden*, 7 Cranch, 116, 141:

"If there be no prohibition, the ports of a friendly nation are considered as open to the public ships of all powers with whom it is at peace, and they are supposed to enter such ports and remain in them, while they are allowed to remain, under the protection of the Government of the place."

It is not contended that this duty of protection to which the public ship is thus entitled while allowed to remain in a port of a friendly nation imposes the obligation of an absolute guaranty of her safety. But it is insisted that the existence of the duty creates the obligation to use due diligence in its performance. When property and life are destroyed by an act which the exercise of due diligence by the person whose duty it is to use it could have prevented, the happening of such an event is sufficient proof that such diligence was not employed.

The system of civil and military police and espionage in Havana is



all-pervading to an extent probably unequaled in any city in the world. It is not pretended that any employment was made as regards the safety of the *Maine* of this instrumentality for the detection or prevention of any attempt against her by private persons.

It is established that the *Maine* was destroyed by the explosion of a submarine mine, in position under her in a Spanish harbor, at a place where she had been moored to a buoy by the express direction and guidance of the Spanish authorities.

Explosive contrivances of this character are almost exclusively government agencies of warfare. There is no operation of a pacific character for which they can be employed, excepting the removal of wrecks or of harbor obstructions. They are not to be had in any place of private sale. Their destructive contents, excepting, perhaps, gunpowder, which undoubtedly was not employed in this instance, can not be easily obtained and are not easily made. The entire contrivance is a mechanism of a somewhat complicated character, not generally understood except by special manufacturers or by military or naval officers who have been instructed how to operate it.

Such mines, when sunk in harbors, are almost invariably discharged by an electric current, conducted over a wire leading from the engine of destruction to some place on the shore where a battery can be housed, guarded, and attended by trained operators. They are now placed, or are made ready to be placed, in all important harbors; it may fairly be presumed that they had been placed in the harbor of Havana, the history of the last three years being considered.

In complaisance to Spanish aversion no public vessel of the United States had visited that port during that period. The coming of the *Maine* had been announced to the Spanish authorities, and the military and naval portion of these did not receive her with the cordiality which such visits usually produce. Many of them expressed resentment at her presence. Certain newspapers in Madrid and Havana commented upon her visit in hostile terms.

There was, especially in Havana, among the officials who had been adherents of Weyler and who resented his recall, an expressed hatred of the United States. The time of the explosion must have been

calculated for the moment when the *Maine* should swing within the destructive radius of the mine.

The report of the Spanish board of inquiry, sedulously promulgated in advance of that of the board of the United States, finding, after a hurried and most superficial investigation, that the catastrophe was from an internal and not from an external cause, was manifestly false, and was intended to induce public opinion to prejudge the question.

The duplicity, perfidy, and cruelty of the Spanish character, as they always have been, are demonstrated still to continue by their manifestations during the present war in Cuba. All these circumstances considered cumulatively, together with other considerations which will exactly accord with and add force to them, undenied and unexplained as they are by any authority excepting the baseless report of the Spanish board of inquiry, warrant the conclusion stated hereinbefore that the destruction of the *Maine* was compassed either by the official act of the Spanish authorities (and the ascertainment of the particular person is not material), or was made possible by a negligence on their part so willing and gross as to be equivalent in culpability to positive criminal action.

Upon due consideration of all of the relevant facts of the relations of this Government with Spain, including the destruction of the *Maine*, and of the history of the rebellion, it is the opinion of your committee that the United States ought at once to recognize the independence of the people of Cuba, and also ought to intervene to the end that the war and its unexampled atrocities shall cease, and that such independence shall become a settled political fact at the earliest possible moment, by the establishment by the free action of the people of Cuba when such action can be had, of a government independent in fact and form.

It is believed that recognition of the belligerency of the insurgents in Cuba, if it had been given seasonably, when it was suggested by

concurrent resolutions to that effect passed by Congress, would have insured the speedy termination of the war without involving the United States in the contest. Such recognition was not given, and conditions have changed so materially since it was thus proposed that, if given now, it would fall far short of supplying the just requirements of the present situation in the light solely of the interests of the United States.

The recognition of the independence of the people of Cuba is justified and demanded by the highest considerations of duty, right, and policy.

The insurgents hold the eastern portion of the island, to the practical exclusion of Spain. This possession extends over one body of territory comprising fully one-half of the area of Cuba.

The extermination by Spain of the peaceful inhabitants of the western portion of the island has so affected the balance of population between these moieties of Cuba that the insurgents comprise in the eastern half nearly one-third of the population of the island. That third of the population pays taxes to them, serves in their armies, and in every way supports and is loyal to them. This situation has existed ever since the first few months of the war. The armies of Spain under Campos, Weyler, and Blanco, successively have been repelled in every invasion that they have attempted of the eastern half of the island.

The cause of Spain has continually grown weaker and that of the insurgents has grown stronger. The former is making no substantial effort for the recovery of these lost provinces. Their people are secure from invasion and cruel administration. Spain has never been able to subject them to her unprecedented and murderous policy of concentration and extermination. Her armies have been more than decimated in the attempt to subdue them. Two hundred thousand of her soldiers have failed to reduce the insurgents. The few reinforcements that she is now sending to Cuba do not supply a tithe of her losses caused by battle and disease.

Her control over the western portion of the island is dominance over a desolation which she herself has created. Even there she controls

only the territory occupied by her cantonments and camps. Outside these the insurgents are everywhere in presence.

In the population of Cuba the native born preponderate in a very large proportion, probably of 8 to 1. We have been assured by the most unimpeachable authority (we mean Senators Proctor, Gallinger, Thurston, and Money) that the native-born Cubans everywhere, even within the military lines of Spain, are opposed to the parent State, and are in sympathy with the insurgents.

We have also been assured by the same authority that the native Cubans, by superiority in education, are better qualified than the Spaniards, and are thoroughly capable to administer the government of the island.

The preceding observations have assumed a certain control and sovereignty by Spain over the western portion of Cuba. We have indicated its character. It is limited to scattered and fortified areas, and it is not a civil sovereignty. It is merely a military occupation of fortified places. Even this dominion has been made possible and continues only by the infliction of a policy for which the history of no people (excepting possibly that of Spain herself) furnishes any example. The world knows what that policy is and all civilization execrates it. It consists in compelling, under penalty of death, the rural population of the western part of the island to leave their homes, their fields, their stock, and other chattels, and mass themselves between the outskirts of certain designated towns and a military cordon intercepting their return into the country. As they departed from their homes their houses were burned; the growth of their fields was trodden down by cavalry; their agricultural implements, furniture, and domestic utensils were destroyed; their cattle and horses were swept away by Spain. Throughout wide areas of a region of unsurpassed fertility, which had been densely populated for more than two centuries, not one living thing, brute or human, not one habitation, not one productive field is to be seen.

For the miserable condition to which an entire population is reduced Spain has afforded no substantial relief, and the evil and distress have become so huge and her financial debility is so extreme that she is

now unable to relieve, even if she could be supposed to have the disposition to do so.

The result has been that over 200,000 of the subjects of Spain have been killed by the action of that Government, and 200,000 more are suffering from famine and disease.

There has been no distinction of sex or age in this protracted and torturing massacre. The children of this generation have been starved to death, and the immolation of womanhood has destroyed the possibility of posterity.

There can be no doubt that the contriver of this unexampled scheme of atrocity intended to depopulate, to the full extent of an ability undeniably great in the conception and perpetration of colossal crime, the island of its native people and to repeople it by natives of Spain.

We can not consent upon any conditions that the depopulated portions of Cuba shall be recolonized by Spain any more than she should be allowed to found a new colony in any other part of this hemisphere or island thereof. Either act is regarded by the United States as dangerous to our peace and safety.

That Government has violated the laws of civilized warfare in the conduct of her military operations. Her troops have slaughtered prisoners after their surrender; and have massacred the sick and wounded insurgent soldiers and their physicians and nurses in their captured hospitals.

When publicists and jurists speak of the right of sovereignty of a parent State over a people or a colony they mean that divinely delegated supremacy in the exercise of which man should show "likest God." They never mean that a usurpation of diabolism shall be sanctified upon the plea that it is sovereignty none the less than that of a well-ordered and humane government. Against such reasoning the

moral laws

*Of nature and of nations speak aloud*

and declare that the State which thus perverts and abuses its power thereby forfeits its sovereignty. And this principle has been the foundation of the repeated interventions by the States of Europe in the affairs of Turkey, who, abominable and atrocious as her cruelty has been toward her subjects in Greece and in the northern part of her dominions in Europe, and in Armenia, has not approached the eminence at which Spain stands in solitary and unapproachable infamy.

The recognition of the independence of the people of Cuba would not be a justifiable cause of war by Spain against the United States. Upon this principle the best-esteemed authorities are agreed. Among their opinions the following declaration of Mr. Webster in his letter to Mr. Hülsemann stands preeminent:

“If, therefore, the United States had gone so far as formally to acknowledge the independence of Hungary, although, as the result has proved, it would have been a precipitate step, and one from which no benefit would have resulted to either party, it would not nevertheless have been an act against the law of nations, provided they took no part in her contest with Austria.”

If not an act against the law of nations, it, of course, could not be a justifiable ground for war.

The recognition of the independence of the people of Cuba entitles the United States to insist that the war shall be conducted in accordance with those humane laws which have been ordained by the common consent of the civilized world, and which have done so much to mitigate the horrors of warfare. So long as this Government abstains from such recognition, Spain is entitled to insist that we agree with her that the insurrection is merely a treasonable riot and not a formal and organized rebellion, and that she is therefore entitled to execute upon the insurgents and upon American citizens, and all persons upon the island, the penalties of a domestic code which is an affront to civilization.

The United States has been in this attitude of concurrence ever since the beginning of the war. It has, as a consequence, in a spirit of forbearance, submitted to many atrocities perpetrated by Spain upon our own citizens which, under recognition, would have

had no warrant in international law and would have afforded just grounds of procedure by this Government under its acknowledged principles. Citizens of the United States have been condemned to death by military tribunals in violation of their treaty rights. The expostulations of this Government have been in effect merely petitions for royal clemency. The *Competitor* prisoners, captured under our flag, were imprisoned nearly seventeen months and were never brought to trial, though they were subjected to many harsh, illegal, and degrading preliminary examinations. The entire proceeding against them was unlawful and in derogation of their rights and of our honor. But as they were technically, in the attitude which the United States had assumed and had placed them in refusing recognition of belligerency or independence, merely ordinary criminals prosecuted by Spain under her domestic penal code, this Government, it was logically insisted by Spain, had no right to make the question one of international obligation. It accepted royal clemency and, in the person of its citizens, received a pardon for a crime instead of demanding reparation for a violated right.

The United States has been compelled by its attitude of nonrecognition to assist Spain by its execution of our neutrality statutes. If there is no war, and the insurgents are merely an unlawful confederacy of common insurrectionists, they can have no legitimate commercial dealings with the citizens of the United States.

Nor can the insurgents object to Spain having such dealings of every character, including the purchase of supplies, which, had recognition been accorded, would be contraband of war, and therefore not to be furnished except through breach of neutrality. The United States has therefore been an assistant of Spain. The supplies for that power have been largely purchased in this country. The unrecognized insurgents have had no right to complain. On the other hand, they and their adherents have been prohibited from making such purchases and from exporting any supplies, however acquired. There has, therefore, been no real neutrality by this Government throughout the entire business. To the contrary, Spain has been the customer of the people of the United States, who have sold her, with

technical lawfulness, everything that she has required to repress by such processes as we have indicated a people struggling against tyranny for their liberties. To prevent the insurgents from buying or exporting at all while Spain has bought and exported to the extent of her requirements the Navy and revenue vessels of the United States have been diligently and successfully employed. It has been stated, and we believe with entire correctness, that this vigilance and policing of the seas by the United States in favor of Spain and against the insurgents has cost this Government more than \$2,000,000.

The conflict of opinion and definition among the jurists upon the subject of intervention is very great. Some of them deny its existence as a right under any circumstances, excepting of self-defense against an imminent peril, while other writers, of equal authority, maintain the validity of its assertion as a right for causes which may be inconsistent with that great foundation principle of international law, the equal and inviolable sovereignty of States.

The extremes of these opinions are represented by Guizot and Arntz. The former declares that "no State has the right to intervene in the situation or internal government of another State, except only when the interest of its own safety renders such intervention indispensable."

Arntz maintains that the right of intervention exists:

1. "When the institutions of one State violate or threaten to violate the rights of another State, or when such violation is the necessary consequence of its institutions and the impossibility of an orderly coexistence of States results therefrom;

2. "When a government, acting entirely within the limits of its prerogatives of sovereignty, violates the rights of humanity, whether by measures contrary to the interests of other States, or by excess of injustice and cruelty which deeply wounds public morals and civilization.



“The right of intervention is a legitimate one, because, however important may be the rights of sovereignty and independence, there is one thing of still greater importance, and that is the law of humanity and human society, which ought not to be outraged.”

Between these extremities of opinion the differences among the publicists are exceedingly various and irreconcilable. Professor Hall, in his work on International Law (3d ed., p. 288, note 1), in considering the opinions of modern international jurists who touch upon humanitarian intervention, says that “the treatment which the subject receives from them is merely fragmentary, notice being taken of some only of its grounds, which are usually approved or disapproved without very clear reference to a general principle.

Vattel (liv. 1, ch. iv, s. 56) considers it permissible to succor a people oppressed by its sovereign, but does not appear to sanction any of the analogous grounds of intervention. Wheaton (Elem., pt. 11, ch. 1, s. 93), Bluntschli (s. 478), Mamiani (p. 86), give the right of aiding an oppressed race.

Heffter (S. 46), while denying the right of intervention to repress tyranny, holds that so soon as a civil war has broken out a foreign state may assist either party engaged in it. Calvo (S. 166) and Fiore (1, 446) think that states can intervene to put an end to slaughter.”

Vattel says, Book II, Chap. IV, top p. 157, “As to those monsters who, under the title of sovereigns, render themselves the scourges and horror of the human race, they are savage beasts, whom every brave man may justly exterminate from the face of the earth.

“All antiquity has praised Hercules for delivering the world from Antaeus, a Busiris, and a Diomedes.”

If these opinions state the correct rule, as we believe they do, the right of intervention by the United States in the present instance is indubitable. They are, however, controverted by other publicists of great eminence. It is possibly correct to say as to this conflict of opinion that this portion of international law is, though operative in certain cases, in that formative and progressive condition of development by which many benign principles, though formerly *contested*, have at last become firmly established.

The following reflections of Mr. Pomeroy upon this subject (Int. Law, p. 242, et seq.) appear to be well considered:

“How far the right of intervention legitimately extends, under what circumstances it may be invoked, to what extent it may be carried, are questions which have given rise to much discussion—questions that have never been authoritatively settled, and perhaps never will be settled.

“Hardly a writer absolutely denies the existence of the right at all; it would seem to be unsafe to go to this length. On the other hand, it seems almost equally unsafe to admit the right to exist at all, for, as it is utterly impossible to place any exact limits upon it, its very admission may open the door to vast and terrible abuses.

\* \* \* \* \*

“While the fact is as stated that instances of intervention are and have been constantly occurring, I am of opinion that the whole subject does not so much belong to international law as to politics.

\* \* \* \* \*

“In short, I can not think that the subject of intervention has been, or perhaps can be, regulated by the positive international law. It must be relegated to the domain of those high politics, those principles of expediency, which control the conduct, both domestic and foreign, of nations.”

The actual conduct and policies of nations give warrant to these observations. To sustain repeated intervention during the present century no law has been invoked. They have been acts of necessity or policy. This statement is corroborated by the creation and existence of two policies, one of Europe, the other of the United States, each of which is based distinctly upon the assertion of an intention to intervene under certain circumstances. We refer to the principle of the balance of power and to the Monroe Doctrine. Each is a distinct and arbitrary policy of intervention, to be effected in certain contingencies in furtherance of national policies, and to justify which no canon of international law was ever invoked. The former has profoundly affected the relations of the European States and the independence of many of those sovereignties.

The latter has kept the powers of Europe out of the American continents ever since it was promulgated. It was a distinct announcement that the United States would intervene, under certain expressed circumstances, in the affairs of every Central American and South American State. The United States did intervene by threat and show

of force in the affairs of Mexico and France, and compelled the evacuation of that Republic by a European power, whose own prior intervention in Mexican affairs had overthrown a republic and established a monarchy upon its ruins. No publicist has ever asserted that either of these policies is part of the law of nations.

Justification for intervention is strengthened in such cases as the present, where the oppressions by a State of its subjects have been so inveterate, atrocious, and sanguinary as to require intervention by other nations in the interests of humanity and the peace of the world, for the purpose of overthrowing that Government and establishing or recognizing another in its place as the only means of extirpating an otherwise incurable and dangerous evil.

The conduct of the European powers respecting Turkey has been pursuant to the policy which impels one nation to intervene in the affairs of another State to stop cruelty and massacre, and, if necessary, to depose it from sovereignty. That State became a member of the commonwealth of European powers by the treaty of Paris of 1856. The integrity and sovereignty of the Ottoman Empire were guaranteed. It has stood ever since upon an equality with Spain in all respects. And yet Turkey has been the subject of repeated interventions since 1856, which have restrained her sovereignty, usurped her domestic administration, repressed her cruelties, and partially dismembered her empire.

The people of her several Danubian provinces, oppressed by her misgovernment, rose in rebellion. A scene of massacre followed, which stood without precedent until it was made to seem merciful by the atrocities perpetrated by Spain upon her subjects in Cuba. Europe

protested at the conference of Constantinople and suggested reforms and concessions in favor of the oppressed people, which Turkey promised to grant in part, but vitiated that promise by evasions and subterfuges as to some most material requirements. Upon this Europe ceased to represent, remonstrate, and implore. Russia intervened by force. Her military successes produced the treaty of San Stefano between that power and Turkey, which established the political status of the revolted provinces. But, in the opinion of the other European powers, Russia herself had obtained too much under that treaty.

The consequence was the interposition of the great powers of Europe in the affairs of Russia and Turkey. It was substantially an intervention, though otherwise denominated, which compelled Russia and Turkey to take part in the Congress of Berlin, held in 1878. They did so because they were constrained by the certainty of intervention by force in case they should refuse. The result of that Congress was the partial dismemberment of European Turkey, and the establishment of new States therein, some partially autonomous, others entirely independent. The cause of these great interventions was the cruelty of Turkey toward her own subjects. The result was that the interventions secured their independence.

The cases of the Danubian provinces are so similar to that of Cuba as to be nearly identical. The fact that the wrongs were inflicted by Mohammedans upon Christians does not mitigate the responsibility of Spain or make intervention as to her any less rightful. Surely Christian Spain, from the fact that she is a Christian state, is not given greater warrant to exterminate her subjects than Mohammedan Turkey possessed to extirpate hers.

Great Britain intervened as to Egypt upon financial grounds, and is now administering the revenues and finances of that province.

The recent interventions of the European powers in favor of Turkey and against Greece in her endeavor to assist the Cretan insurgents, is familiar history. So, also, is the intervention of the same powers which checked the advance of the armies of Turkey into Greece.

The attitude of the United States toward the present question has been based upon the right of intervention and the intention to exer-

cise it in certain contingencies. President Cleveland, in his message of December 7, 1896, declared that—

“Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

“It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features, and properly apprehend our inevitably close relations to it, and its possible results, without considering that by the course of events we may be drawn into such an unusual and unprecedented condition, as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way, or with our friendly cooperation.

“When the inability of Spain to deal successfully with the insurrection has become manifest, and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reestablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest, or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

“A contemplation of emergencies that may arise should plainly lead us to avoid their creation, either through a careless disregard of present duty or even an undue stimulation and ill-timed expression of feeling. But I have deemed it not amiss to remind the Congress that a time may arrive when a correct policy and care for our interests, as well as a regard for the interests of other nations and their citizens, joined by considerations of humanity and a desire to see a rich and fertile country, intimately related to us, saved from complete devastation, will constrain our Government to such action as will subserve the interests thus involved, and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of *peace.*”

President McKinley, in his message of December 6, 1897, said:

"The instructions given to our new Minister to Spain before his departure for his post directed him to impress upon that Government the sincere wish of the United States to lend its aid toward the ending of the war in Cuba by reaching a peaceful and lasting result, just and honorable alike to Spain and to the Cuban people. These instructions recited the character and duration of the contest, the widespread losses it entails, the burdens and restraints it imposes upon us, with constant disturbance of National interests, and the injury resulting from an indefinite continuance of this state of things. It was stated that at this juncture our Government was constrained to seriously inquire if the time was not ripe when Spain of her own volition, moved by her own interests and every sentiment of humanity, should put a stop to this destructive war and make proposals of settlement honorable to herself and just to her Cuban colony. It was urged that as a neighboring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother country to establish its authority and restore peace and order within the borders of the Island; that we could not contemplate an indefinite period for the accomplishment of this result.

"No solution was proposed to which the slightest idea of humiliation to Spain could attach, and indeed precise proposals were withheld to avoid embarrassment to that Government. All that was asked or expected was that some safe way might be speedily provided and permanent peace restored.

\* \* \* \* \*

"Sure of the right, keeping free from all offense ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the Government will continue its watchful care over the rights and property of American citizens and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honorable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization and humanity to intervene with force, it shall be without fault on our part and only because the necessity for such action will be so clear as to command the support and approval of the civilized world."

These declarations more than implied that this Government would interpose in the event of failure within a reasonable time to conquer the insurgents or to induce them by concessions of home rule to lay down their arms. They have not been subdued. The autonomy proffered was specious and illusory. It has been rejected by the insurgents not because it was specious and illusory, but because they will accept nothing short of complete national independence. The suggestion of a more complete autonomy has also been rejected.

by them. They declare to the United States and Spain alike that no terms short of independence, which those powers may attempt to prescribe to them will be accepted. Spain refuses to grant independence.

The war, then, must go on, and the misery which has shocked the civilized world must continue and increase unless it is terminated by the triumph of Cuba or Spain or by the interposition of the United States.

It is the opinion of this committee that the time to interpose has arrived; that intervention which will stop the war and secure the national independence of Cuba should at once take place. If under all the circumstances Spain shall choose to regard such action by this Government as a cause of war, that consequence, however deplorable, will be accepted by the American people with all the fortitude that confidence in the justice of their action can inspire.

Such intervention is justifiable and necessary for the following reasons: The present situation in Cuba has become a menace to the peace of the world, and especially to the peace and safety of the United States. Spain has bid for European intervention, thus far apparently without success, but the conditions which make such intervention possible should be removed at once.

For nearly three years the hostilities in Cuba and the Spanish administration of that island have involved this Government in perilous relations with Spain and raised questions of right and responsibility of which no prospect of settlement is apparent. So long as these conditions are allowed to remain unsettled they will increase an irritation which has already become intolerable, and which will inevitably ultimately require adjustment by measures much more vigorous than now seem adequate to compose existing difficulties.

Spain has failed to perform her treaty obligations and other international duties toward the United States. To give a minute specification of these derelictions would unnecessarily extend this paper. They are the familiar matters of current history. American citizens have been seized and imprisoned without shadow of right, and have been proceeded against by violent and irregular forms in violation of treaty obligations.

The assassination of Ruiz, an American citizen, was the act of the Spanish officials who held him in a custody unwarranted by his treaty rights. No reparation has been made for this act, although it has been demanded by this Government.

A justifiable cause for intervention has been afforded by the barbarity with which Spain has conducted her military operations; by her slaughter of captured insurgent soldiers, and by her extermination of not less than 200,000 of her own noncombatant subjects—men, women, and children—by driving them from their homes into places of concentration and there suffering them to die of starvation and disease.

In 1893 there were \$50,000,000 of property in the Island of Cuba belonging to the citizens of the United States. Much of this has been destroyed, and much of that destruction has been by the acts of Spain. The destruction of the remainder she has been unable or unwilling to prevent.

The claims on file in the Department of State against Spain for indemnity for this destroyed property are about \$16,000,000 in amount.

Her military officers have levied contributions upon American planters as the price for the preservation of their estates and the continuance of their agricultural operations.

In 1893 the commerce of the United States with Cuba had reached the annual sum of nearly \$100,000,000. Since that time it has been substantially annihilated by the methods of Spanish military and civil maladministration. Certain sworn statements made before the committee and other documents are herewith submitted as part of this report.

The committee recommend the adoption of the accompanying resolution:

Whereas the abhorrent conditions which have existed for more than three years in the Island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battle ship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of



Havana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April eleventh, eighteen hundred and ninety-eight, upon which the action of Congress was invited: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First.* That the people of the Island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the Island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

## VIEWS OF MINORITY.

The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

DAVID TURPIE.

R. Q. MILLS.

JNO. W. DANIEL.

J. B. FORAKER.



Ordered printed for the use of the Senate.

**LETTER OF HON. T. ESTRADA PALMA TO HON. RICHARD OLNEY,  
SECRETARY OF STATE.**

WASHINGTON, *December 7, 1895.*

SIR: I hand you herewith a statement of the facts upon which I, as authorized representative of the Cubans in arms, ask that the rights of belligerency be accorded them by your Government.

If you so desire I can exhibit to you the originals of the documents mentioned or set forth in said statement.

Should it be necessary or desirable for me to point out the arguments, based on the facts submitted, which I deem proof that we are now in condition to ask for belligerency, it will afford me great pleasure to do so.

Begging your earliest and most favorable consideration of this subject, I have the honor to remain, very respectfully, yours,

T. ESTRADA PALMA.

To HON. RICHARD OLNEY,  
*Secretary of State of the United States of America,  
Washington, D. C.*

WASHINGTON, D. C., *December 7, 1895.*

SIR: While admitting that, as a rule, governments do not take cognizance of the justice or injustice of a struggle in which they are called upon to grant the rights of belligerency to one of the contending parties, the revolution for the independence of the Cuban people, initiated on February 24 last, is so similar in its character to that which resulted in the establishment of the foremost Republic in the world, the United States of America, that I feel called upon to point out the causes leading to the present uprising in Cuba.

**CAUSES OF THE REVOLUTION.**

These causes are substantially the same as those of the former revolution, lasting from 1868 to 1878 and terminating only on the representation of the Spanish Government that Cuba would be granted such reforms as would remove the grounds of complaint on the part of the Cuban people. Unfortunately the hopes thus held out have never been realized. The representation which was to be given the Cubans has proved to be absolutely without character; taxes have been levied anew on everything conceivable; the offices in the island have increased, but the officers are all Spaniards; the native Cubans have been left with no public duties whatsoever to perform, except the payment of taxes to the Government and blackmail to the officials, without privilege even to move from place to place in the island except on the permission of governmental authority.

Spain has framed laws so that the natives have substantially been deprived of the right of suffrage. The taxes levied have been almost

entirely devoted to support the army and navy in Cuba, to pay interest on the debt that Spain has saddled on the island, and to pay the salaries of the vast number of Spanish officeholders, devoting only \$746,000 for internal improvements out of the \$26,000,000 collected by tax. No public schools are within reach of the masses for their education. All the principal industries of the island are hampered by excessive imposts. Her commerce with every country but Spain has been crippled in every possible manner, as can readily be seen by the frequent protests of shipowners and merchants.

The Cubans have no security of person or property. The judiciary are instruments of the military authorities. Trial by military tribunals can be ordered at any time at the will of the Captain-General. There is, beside, no freedom of speech, press, or religion. In point of fact, the causes of the Revolution of 1775 in this country were not nearly as grave as those that have driven the Cuban people to the various insurrections which culminated in the present revolution.

A statement of the facts and circumstances that have forced the Cubans from peaceful to belligerent measures of obtaining that redress which they are satisfied can only come with absolute independence and republican form of government are set forth at large in the pamphlet hereto annexed, marked "A."

#### ABSOLUTE INDEPENDENCE OR EXTERMINATION.

Every promise of reform made to procure peace in 1878 having been broken by the Spanish Government, and subsequent peaceful endeavor in that direction having proved useless, Cuba is to-day in the condition described by Vattel (Law of Nations, sec. 291):

If his (the sovereign's) promises are not inviolable, the rebels will have no security in treating with him; when they have once drawn the sword they must throw away the scabbard, as one of the ancients expressed it, and the prince destitute of the more gentle and salutary means of appeasing the revolt will have no other remaining expedient than of utterly exterminating the insurgents; these will become formidable through despair; compassion will bestow success on them; their party will increase, and the state will be in danger.

The only solution of the revolution in Cuba is independence or extermination.

#### PRELIMINARY ORGANIZATION FOR REVOLT.

Years before the outbreak of the present hostilities the people within and without the island began to organize, with a view of preparing for the inevitable revolution, being satisfied, after repeated and patient endeavors, that peaceful petition was fruitless.

In order that the movement should be strong from the beginning, and organized both as to civil and military administration, the Cuban Revolutionary party was founded, with José Martí at its head. The principal objects were by united efforts to obtain the absolute independence of Cuba, to promote the sympathy of other countries, to collect funds with these objects in view, and to invest them in munitions of war. The military organization of this movement was completed by the election of Maximo Gomez as commander in chief. This election was made by the principal officers who fought in the last revolution.

#### THE UPRISING.

The time for the uprising was fixed at the solicitation of the people in Cuba, who protested that there was no hope of autonomy, and that their deposits of arms and ammunition were in danger of being discovered and their leaders arrested. A large amount of war material was

then bought by Marti and vessels chartered to transport it to Cuba, where arrangements were made for its reception in the provinces of Santiago, Puerto Principe, and Santa Clara; but at Fernandina, Fla., it was seized by the United States authorities. Efforts were successfully made for the restitution of this material; nevertheless valuable time and opportunity was thus lost. The people in Cuba clamored for the revolution to proceed immediately, and in consequence the uprising was not further postponed. The date fixed for the uprising was the 24th of February. The people responded in Santiago, Santa Clara, and Matanzas. The provinces of Puerto Principe and Pinar del Rio did not respond, owing to lack of arms. In Puerto Principe rigorous search had previous to the 24th been instituted and all arms and ammunition confiscated by the Government. The leaders in the provinces of Matanzas and Santa Clara were imprisoned, and so the movement there was checked for the time being.

On the 27th the Governor-General of the Island of Cuba, Emilio Calleja, issued a proclamation declaring the provinces of Matanzas and Santiago in a state of siege, and fixed a period of eight days within which all those who surrendered were to be pardoned. Under these conditions, on the 3d of March, Juan Gualberto Gomez surrendered, was brought to Havana, and set at liberty, but before he could leave the palace of the Captain-General was rearrested on the ground that he had bought arms for the movement, and was subsequently court-martialed and sent in chains to the Spanish penal colony in Ceuta, Africa.

#### GROWTH OF THE REVOLUTION.

In the province of Santiago the revolution rapidly increased in strength under the leadership of Bartolome Masso, one of the most influential and respected citizens of Manzanillo; Guillermo Moncada, Jesus Rabi, Pedro Perez, José Miro, and others.

It was characterized by the Spanish Government as a negro and bandit movement, but many of the most distinguished and wealthy white citizens of the district flocked to the insurgent camp.

The Spanish authorities, through some of the Autonomists, attempted to persuade these men to lay down their arms. Gen. Bartolome Masso was twice approached in this behalf, but positively refused to entertain any negotiations which were not based on the absolute independence of Cuba.

On the 1st of April, Generals Antonio and José Maceo, Flor Crombet, and Agustín Cebreco, all veteran leaders in the former revolt, landed at Duaba, in the province of Santiago, and thousands rose to join them. Antonio Maceo then took command of the troops in that province, and on the 11th of April a detachment received Generals Maximo Gomez, José Marti, Francisco Borreró, and Angel Guerra.

Captain-General Calleja was, on the 16th of April, succeeded by Gen. Arsenio Martínez Campos, the present commander in chief of the Spanish forces, who has the reputation of being Spain's greatest living general.

#### BATTLES AND CAMPAIGN.

Campos's first plan of campaign was to confine the revolution to the province of Santiago, and he then stated that he would crush the insurgents, establish peace, and return to Spain by the November following.

He asserted that the province of Puerto Principe would never rise in rebellion; and in order to give color to the statement and hope of

labor to the unemployed, he projected a line of railway from Santa Cruz to Puerto Principe, planning also another from Manzanillo to Bayamo.

These two projects, as well as the proposed construction of wharves, were never seriously contemplated. From the very beginning of the uprising, conflicts between the Spanish troops and the Cubans were of daily occurrence, and many engagements of importance also took place, forts being captured, towns taken and raided.

It is of course useless to describe every skirmish in this province; the following are among the most important operations:

Los Negros, where General Rabi defeated the Spanish colonels Santoscildes and Zubikoski; Ramon de las Yaguas, where Colonel Garzon surprised and captured Lieutenant Gallego and 50 men, who were disarmed and permitted to leave unmolested—the troops sent to reinforce the Spaniards being also defeated; El Guanabano, where General Masso and Colonel Estrada forced Santoscildes to retreat to Bayamo, with great loss; Jarahuca, where General Maceo defeated General Salcedo, who had more than 3,000 men under him.

Combined operation of Generals Antonio and José Maceo, who captured the town of Cristo and 200 rifles and 40,000 rounds, while Colonel Garzon took the town of Cauey, and Colonel Planas attacked a military convoy on the railroad.

The town of Campechueta was attacked by Colonel Guerra and Colonel Estrada, who forced the garrisons of the two forts to surrender.

Juraguanas, where Colonel Estrada, with 1,000 men, met an equal number of Spanish regulars and defeated them.

Colonel Guerra surprised a Spanish guerrilla under Boeras; made many prisoners, whom he set at liberty.

El Cacao, where General Rabi cut to pieces the Spanish forces under Lieut. Col. U. Sanchez and obtained many rifles and ammunition.

El Jobito: This was one of the most important engagements in the east. It took place near Guantanamo, and Lieutenant Colonel Bach was killed and his troops decimated by Generals Maceo and Perez.

About the middle of July Gen. Martinez Campos, urged by the numerous complaints through the press that the Spanish forces in Bayamo were in a deplorable condition, without food or hospitals, and were cut off from Manzanillo, and wishing by a concerted movement of his lieutenants to crush the revolution at one blow, started from Manzanillo on the 12th for the purpose of relieving Bayamo, and intending thence to march west and drive Gomez into the Spanish military line between the province of Santa Clara and Puerto Principe, thus catching the Cubans between two fires. At the same time three Spanish columns were to march against Maceo and his forces from different directions, and surround and exterminate them. Campos, with 4,800 men under the command of Gen. Fidel Santoscildes, met 3,600 Cubans under Generals Maceo and Rabi on the road to Bayamo at Peralejos.

The battle which followed is known as the battle of Bayamo, Valenzuela, or Peralejo. It lasted eleven hours. General Santoscildes fell in the early part of the engagement, and thereupon Campos himself took command. The Spaniards, completely routed, were forced to kill all their mules and horses to form with them a barricade; left their convoy, the wounded, and dead on the field, and fled in disorder to Bayamo. The loss of the Spaniards was 400 killed and a larger number wounded. The Cubans' was 137 in all. Maceo took care of the Spanish wounded, and sent word to Campos to send a detachment to receive them, which was done.

General Campos, on reaching Bayamo, sent for heavy reenforcements, withdrawing a considerable number of troops from the province of Santa Clara.

Generals Roloff, Sanchez, and Rodriguez landed in that province at about this time with a large amount of war material, but not enough, as it proved, to fully arm all those who enthusiastically rushed to join them. Before the Spaniards had extricated Campos from his perilous position, the Cuban forces in the province of Santa Clara had been organized into the Fourth Army Corps, and operations were immediately begun.

Santa Clara is one of the wealthiest provinces in the island, and to protect the interest there large reenforcements were called from Spain, as they could not rely on the Spanish "volunteers." The best proof of this was that 400 Spanish volunteers, under Major Casallas, deserted and joined the Cuban ranks in a body at their first opportunity, taking with them all their arms, ammunitions, and supplies. Here, as in other provinces, skirmishes are of daily occurrence, and many fierce encounters have taken place. Among the most important engagements were the capture of Fort Taguasco by Gen. Serafin Sanchez; Las Varas, where 2,000 Spanish troops under Colonel Rubin were defeated by Generals Roloff and Sanchez; Cantabria, where Colonel Rego took many prisoners and war materials, and the raid and burning of the town of Guinia de Miranda by Colonel Perez, and Cayo Espino, where Colonel Lacret inflicted a severe defeat on the Spaniards under Colonel Molina. A most important part of the work of the forces in Santa Clara, which occupied considerable time and caused many encounters with the enemy, was the destruction of telegraph and telephone communications and railroads, of which there are many lines or branches in this district.

#### GOMEZ'S CAMPAIGNS.

Immediately on the landing of Generals Marti and Gomez they set out to cross the province of Santiago and enter that of Puerto Principe. It will be remembered that at about this time General Campos arrived in the island with reenforcements of over ten thousand men; the object of Gomez in marching into Puerto Principe was to lead those whom he knew were only expecting his arrival in that province in order to take the field. The citizens of Puerto Principe, or Camaguey, as it is also called, had the reputation of being rather conservative and hence both Spaniards and Cubans waited their determination with great interest.

Gen. Martinez Campos boasted that the inhabitants of Camaguey would never rise in revolt against Spain, but to make assurance doubly sure he placed a cordon of troops numbering about 10,000 on the border between Santiago and Puerto Principe to prevent the entry of Gomez into the latter district. Gomez and Marti started on their westward journey with about 300 men. In trying to pass the first line of troops at Boca de Dos Rios a severe conflict took place May 19, with a greatly superior force in which José Marti was killed. Great joy was manifested by the Spaniards, who claimed that the revolution had received its deathblow in the loss of Marti, but Gomez continued his advance westward, and ordering a feint to be made by Gen. Antonia Maceo at a point in the north of the Spanish cordon, he succeeded in eluding the enemy and entering the southern part of the province of Puerto Principe in the beginning of June. Here he was joined by Salvador Cisneros Betancourt, now the President of the Republic, the most influential Cuban of that province, together with



all the young men of the city, and his forces were rapidly swelled to thousands by additions from all parts of the province. These he subsequently organized into the Third Army Corps.

Thus Gomez was successful in this first campaign of the revolution. Immediately on his arrival in Camaguey he proceeded by a series of rapid cavalry movements to increase his supply of arms and ammunition. He captured and burned Alta Gracia and captured the fort of El Mulato; he cut to pieces a Spanish guerrilla near Las Yeguas. The town and fort of San Jeronimo surrendered to him, and he attacked and raided the town of Cascorro; in all of which places many arms and ammunition as well as prisoners were taken; the latter being invariably released.

During the summer the city of Puerto Principe was constantly menaced in order to allow Gomez to complete his organization of the province.

He was much criticised by Gen. Martinez Campos for his inactivity during the summer, but the Spanish troops nevertheless did not interfere with his plans. Early in July he issued the first of the now famous orders relative to the sugar crop, and announced his intention of marching through Santa Clara and into Matanzas in the winter in order to superintend the carrying out of his decrees, increasing his military stores in the meantime, as well as securing the food supply of his army by corralling the cattle of the province in secure places.

As will be shown further on, General Gomez was upon the establishment of the Government confirmed as commander in chief of the Cuban forces.

In order to carry out his winter campaign he placed Maj. Gen. José Maria Rodriguez in command of the Third Army Corps. The Spaniards explained the wonderful progress of the revolution by the fact that it is impossible for their soldiers to operate during the wet season, and stated that as soon as the winter or dry season set in, or, as it has been expressed by one of her diplomatic representatives, after three days of a northern wind, the Cubans would be driven back from the provinces of Santa Clara and Puerto Principe in the province of Santiago, intending then, by a concentration of their entire fleet at the eastern end of the island, to cut off all basis of supplies and starve the Cubans into submission. At the beginning of the dry season Gomez had perfected all the arrangements of his march to the west; he had ordered Gen. Antonio Maceo with about 4,000 men, mostly infantry, to follow and join him at Sancti Spiritus, on the western boundary of Santa Clara, where Generals Roloff, Sanchez, Perez, and Lacret were waiting, under orders, for the advance of the commander in chief.

Between the provinces of Santa Clara and Puerto Principe there is a line of forts extending from the town of Jucaro to the town of Moron, called the Trocha. To prevent the entrance of Gomez into Santa Clara, Gen. Martinez Campos reenforced their garrisons and placed strong columns along the line to fill up the gaps. General Gomez, with a few hundred men, succeeded by a series of maneuvers into getting through this line and falling upon the town of Pelayo, and captured the forts which guarded it, together with the entire garrison and a large amount of arms and ammunition. He then moved north in the province of Santa Clara, into the district of Remedios, moved west, recrossed the Trocha, and there joined forces with Gen. Antonio Maceo. The latter had marched his soldiers through the entire province of Puerto Principe, although four large Spanish columns were sent to interrupt his progress. These he succeeded in eluding, defeating them, however,

on several occasions. The combined forces of Maceo and Gomez, by a series of strategic movements, again succeeded in passing the Trocha; their rear guard defeating Colonel Segura, inflicting heavy loss and capturing nearly 200 mules laden with arms, ammunition and supplies.

On the arrival of the combined forces in Santa Clara, Gomez, taking charge of all the forces in the district, divided them, sending flying columns in advance under Generals Suarez, Perez, and Lacret, dispatching others to Sagua, in the north, and toward Trinidad, in the south. Maceo's forces made a demonstration on the city of Santa Clara, which was now Martinez Campos's headquarters, while Gomez threatened Cienfuegos. In all the operations which now followed General Gomez had ample forces in his rear, so that his retreat, if made necessary, would not be cut off.

Immediately on the threatening of Cienfuegos Gen. Martinez Campos removed his headquarters from Santa Clara to Cienfuegos, and thence dispatched a large number of troops to form a line between Cienfuegos, Las Cruces, and Lajas, to impede the westward march of the Cuban army. Still advancing westward, and ordering a concentration of his troops, Gomez outflanked the Spanish command, his rear guard distracting their attention and engaging them severely at Maltiempo, in the western part of the province.

On the border of Matanzas Gomez again radiated his troops, Gen. Quintin Bandera on the north, General Maceo in the center, General Gomez himself to the south, while Generals Suarez, Perez, Lacret, and other officers attracted the attention of the enemy by rapid marches and raids. Martinez Campos had again changed his headquarters, this time moving to Colon, in the province of Matanzas; he hoped that the Spanish forces to the rear of the Cubans would be able to cooperate with him, but every means of communication by railroad, telephone, or telegraph had been completely destroyed by the Cubans in their progress, and no word could be sent nor soldiers transported quickly enough for a combined attack of front and rear of the Cubans. From this time on fighting was very sharp, and, as the order of Gomez concerning the grinding of the sugar crop was evidently being disobeyed in Matanzas and Santa Clara, the torch was applied, and it is estimated that a very insignificant part of the sugar crop will be exported this season.

With calls for the protection of the plantations in Santa Clara and Matanzas to attend to, the cities of Santa Clara, Cienfuegos, Matanzas, Cardenas, and Colon threatened, with all communications to the east, except by water, cut off, with the Cuban forces still advancing in oblique directions to the west, Martinez Campos concentrated as many troops as possible, sending to the most easterly province, that of Santiago, all the troops that could be spared from that district, he himself again changing his headquarters with the advance of Gomez to Jovellanos, thence to Limonar, to Matanzas, and finally to Havana, where, at the present writing, he is actively engaged in fortifying the land approaches to the capital, while he has hurried to the neighborhood of Batabano as many troops as could be spared, withdrawing even a large number of the marines from the fleets, thus assigning them to shore duty. Even the line at Batabano has been broken by the Cuban forces, and all communications to the east have been cut off.

So grave has the situation become that martial law has been proclaimed in the provinces of Havana and Pinar del Rio, so that the entire island from Point Maysi to Cape Antonio is now declared to be in a state of siege. The censorship of the press has been made more rigid than ever, and an order issued for the delivery of all horses in the

island to the Spanish Government at prices ranging from \$18 to \$35. It is not intended to pay for these in cash, as only certificates of the delivery of the horses to the Government with the value of the animal as fixed by the latter are given to the owners. Either this is an extreme war measure taken only because of absolute necessity and of the scarcity of money, or it is another example of the gentle methods of the Spanish Government in its treatment of the Cuban and his property.

While the westward march of Gomez was in progress Gens. Francisco Carrillo and José M. Aguirre landed on the eastern end of the island with a considerable supply of munitions, including some artillery, and succeeded in marching through the provinces of Santiago and Puerto Principe into that of Santa Clara, capturing several forts on the way. General Carrillo has taken command in the Remedios district, where his personal popularity has caused thousands to join him. General Aguirre reported to the commander in chief, and is now assisting in the operations of Matanzas.

It was not the intention of General Gomez when he planned his winter campaign to march on and lay siege to the capital, his only object being to prevent the grinding and export of the sugar crop and the consequent flow of treasure into the Spanish coffers, and to demonstrate to the world that he could control the provinces and enforce his orders.

While this march of the main bodies of troops westward has been carried on, the Cuban forces of the other army corps have also succeeded in carrying out the orders concerning sugar cane and preventing the establishment of Spanish lines of communication. As artillery has now been introduced into the Cuban army, forts are more easily taken. There has been constant communication from the interior to the coast; vessels of the Spanish navy have frequently been engaged by the insurgents, and in one case a small armed coast-guard vessel was captured by them.

Supplies are received by the Cubans at convenient points on the coast and transferred to the interior. When it is remembered that in the revolution of 1861 to 1878 there were never more than 10,000 armed insurgents in the field; that these rarely, if ever, took the offensive, and yet compelled Spain to maintain an army of 120,000 men in the field, many of whom were Cuban volunteers in the strict sense of the term; that this little band caused Spain to spend in the ten years over \$700,000,000 and to lose over 200,000 men, and that when in contrast we see in this revolution there are already more than 50,000 Cubans in the field, directed by veterans of the last war, who now are on the offensive, and that now Cuban does not fight against Cuban, the chance of ultimate success of the Cuban arms must appear to an impartial observer, especially in the light of Gomez's wonderful western march, and that in two months more the climate will again militate against the Spanish troops.

#### MILITARY ORGANIZATION.

The military organization of the Cubans is ample and complete.

Maj. Gen. Maximo Gomez is the commander in chief, as we have said, of all the forces, a veteran of the last revolution, as indeed are all the generals almost without exception. Maj. Gen. Antonio Maceo is second in command of the army of liberation, and was, until called upon to cooperate with the commander in chief in the late march to the western province, in command of Santiago.

The army is at present divided into five corps—two in Santiago, one in Puerto Principe, and two in Santa Clara and Matanzas. These corps

are divided into divisions, these again into brigades, and finally into regiments; the forces are moreover divided into cavalry and infantry, besides having engineers, and lately artillery and a perfect sanitary corps, which latter is in command of Eugenio Sanchez Agramonte, with the grade of brigadier-general. Maj. Gen. José Maceo commands the First Santiago Corps, while Maj. Gen. Bartolome Masso commands the Second Corps in that province.

Commanding divisions and brigades in these two corps are Brig. Gens. Pedro Perez, Agustin Cebreco, Jesus Rabi, Luis Feria, Bernardo Capote, Higinio Vasquez, and Angel Guerra.

The Third Corps is in command of Maj. Gen. José M. Rodriguez. The Fourth Corps is in command of Maj. Gen. Cartos Roloff, the divisions and brigades being commanded by Maj. Gens. Francisco Carrillo and Serafin Sanchez and Brig. Gens. Tranquilino Perez, Juan B. Zayas, and Rogelio Castillo. The Fifth Corps is in command of Maj. Gen. Manuel Suarez, and the divisions and brigades are commanded by Francisco Perez, José Lacret, and José M. Aguirre.

The first two corps consist of 26,000 men, mostly infantry; the third, of about 4,000 men, mostly cavalry; the Fourth and Fifth Corps consisted before the late invasion of Gomez of over 20,000 men, both infantry and cavalry, which force has been considerably increased in these last days. Of the 50,000 men that there are at least in the field, more than half are fully armed and equipped, the rest carrying miscellaneous weapons or side arms.

The work of fully equipping the army is now proceeding rapidly. The higher grades and commissions are all confirmed by the Government.

Stations for the manufacture of powder and the reloading of cartridges are established, as well as manufacturing of shoes, saddles, and other equipments. The hospitals for the sick and wounded are also provided. Red Cross societies have offered their cooperation, but the Spanish commander in chief has refused to allow them to enter the insurgent lines.

The discipline of the army is strict and marauding is promptly punished, as was done in the case of Lieut. Alberto Castillo, an officer of the Second Corps, who was tried and shot for robbery, and as has been repeatedly done with the "Plateados," men who, taking advantage of the unsettled condition of affairs in the country, have turned bandits. The Cuban Army of Liberation is entirely volunteer, without pay.

#### CIVIL GOVERNMENT.

As above indicated, José Martí was the head of the preliminary civil organization, and he, immediately upon landing with Gomez in Cuba, issued a call for the selection of representatives of the Cuban people to form a civil government.

His death postponed for a time the selection of these men, but in the beginning of September the call previously issued was complied with.

Representatives from each of the provinces of Santiago, Puerto Principe, Santa Clara, and the western part of the island, comprising the provinces of Matanzas and Havana, making twenty in all, were elected to the constituent assembly, which was to establish a civil government, republican in form.

A complete list of the members of the constituent assembly which met at Jimaguayu, in the province of Puerto Principe, on the 13th of September, 1895, together with an account of its organization and subsequent action, will be found in the document hereto annexed and marked B.

A constitution of the Republic of Cuba was adopted on the 16th of September, and copy of which will be found in document annexed marked B.

On the 18th of September the following officers of the Government were elected by the constituent assembly in accordance with the terms of the constitution:

President, Salvador Cisneros Betancourt, of Puerto Principe; vice-president, Bartolome Masso, of Manzanillo; secretary of war, Carlos Roloff, of Santa Clara; secretary of the treasury, Severo Pina, of Sancti Spiritus; secretary of the interior, Santiago Garcia Canizares, of Remedios; secretary of foreign relations, Rafael M. Portuondo, of Santiago de Cuba; subsecretary of war, Mario Menocal, of Mantanzas; subsecretary of the treasury, Joaquin Castello, of Santiago de Cuba; subsecretary of the interior, Carlos Dubois, of Baracoa; subsecretary of foreign relations, Fermin Valdes Dominguez, of Havana.

The installation of these officers duly followed. The election of the general in chief and the second in command, who is to bear the title of lieutenant-general, was then had, and resulted in the unanimous election of Maximo Gomez and Antonio Maceo, respectively.

On the same day the constituent assembly elected by acclamation as delegate plenipotentiary and general agent abroad of the Cuban Republic, the undersigned, Tomas Estrada Palma. The credentials issued to me are hereto annexed, marked C.

Immediately thereafter the government council proceeded to the headquarters of General Gomez, in Puerto Principe, where the latter took the oath of allegiance to the constitution of the Republic, together with his troops, who there gathered for this purpose, and was installed as commander in chief of the armies of the Republic.

The government council then proceeded to the province of Santiago, where Gen. Antonio Maceo and his forces took the oath of allegiance.

Thence the council proceeded to the province of Santa Clara to inspect and administer the oath to the troops of the Fourth and Fifth Army Corps. They are now on their way to the province of Santiago, where their permanent headquarters will be established.

The divisions of the provinces into prefectures under the supervision of the secretary of the interior and the duties which devolve in this department are fully set forth in Exhibit B, as well as the duties of the secretary of the treasury. The impositions, rate and collection of the taxes, and sources of income of the Government will also be found in Exhibit B.

All moneys collected in accordance with the laws of the Republic, as well as those received through voluntary contributions, are delivered to him or his duly authorized agent and expended under his supervision or that of his agents, to supply the present needs of the Government, which are mainly purchase of arms and ammunition.

The money thus collected has been sufficient to equip the army and keep it supplied with ammunition, although, as it is natural, from the rapid increase of the ranks and the difficulty of bringing supplies into the island, many of the new recruits have not yet been fully armed. The problem of equipping the army is not a financial one, but arises from the caution necessary to blockade running and, above all, the preventive measures taken by foreign Governments, and the notice which is in all cases given to the enemy of the embarkment of munitions. No report of the secretary of the treasury has yet been made, as he has been in office but three months.

For the purpose of properly collecting the imposts the roads to all cities, as well as the coast, are patrolled by the Cubans. The Cuban

Government publishes two newspapers, *El Cubano Libre* and the *Boletín de la Guerra*.

#### TREATMENT OF PRISONERS.

From the beginning of this insurrection the conduct of the Cubans as to prisoners has been in strong contrast to that of the Spaniards; prisoners taken by the Cubans have been invariably well treated, cared for, and liberated, officers as well as common soldiers, as soon as it was possible under the circumstances, and word sent to the Spanish officers to call for them on the guaranty that the detachment would be respected.

As instances we may recite those even admitted by the Spaniards, namely: Ramon de las Yaguas, Campechuela, and Peralejos, in Santiago; el Mulato, San Jeronimo, and Las Minas, in Puerto Principe; Taguasco, Pelayo, and Cantabria, in Santa Clara. After the last-mentioned engagement Colonel Rego returned his prisoners to the Spanish lines, obtaining a receipt for their delivery signed by a lieutenant, of which a copy is hereto annexed, marked D.

This action, in accordance with the spirit of the insurrection, which is declared not to be against the Spaniards, of whom many are fighting for the independence of the island, but against the Spanish Government, is echoed by the general order of the commander in chief on this subject, of which the following is a copy:

#### CIRCULAR OF THE GENERAL IN CHIEF.

GENERAL HEADQUARTERS OF THE ARMY OF LIBERATION,  
*Camaguey, August 1, 1896.*

In order to establish in a clear and precise manner the mode of procedure toward the chiefs, officers, and soldiers of the monarchy captured in action or operations, and toward those who voluntarily surrender to our columns or authorities, I have deemed it convenient to order as follows:

ART. 1. All prisoners captured in action or by the troops of the Republic will be immediately liberated and returned to their ranks, unless they volunteer to join the army of liberation. The abandoned wounded will be gathered and attended to with all care, and the unburied dead interred.

ART. 2. All persons who shall be arrested, charged with committing the misdemeanors in the circular of July 1, by violating or disregarding the said order, will be summarily proceeded against.

ART. 3. Those of the prisoners who are chiefs or officers of the army of the monarchy will be respected and considered according to their rank and treated according to the valor with which they may have resisted, and will all be returned to their ranks if they so desire.

ART. 4. Those who volunteer to join the ranks of the republicans, and appear before our columns and authorities, will have their option in the mode of serving the cause of the Republic, either in arms or by more peaceful occupations, civil or agricultural pursuits.

I communicate this to you for your instruction and for your rigid compliance. Country and liberty.

MAXIMO GOMEZ,  
*The General in Chief.*

On the part of the Spanish, attention is called to the order prohibiting newspaper correspondents from entering insurgent lines to prevent accurate information being given to the world at large; the order to shoot all who supply food or medicines to the insurgents; the order, which in every instance has been carried out, to shoot all officers of the Cuban army who may be captured, under which Domingo Mujica, Gil Gonzalez, Quirina Amezago, and Acebo have been executed. At the recapture of Baire, old men, women, and children were ruthlessly slaughtered by the Spanish soldiery, the hospital at Gran Piedra was

captured and over seventy wounded and defenseless Cubans were killed; at Cayo Espino peaceful men and women were butchered by Colonel Molina and the outrages committed by the troops under Garrido and Tejera are legion. The action of convicts, who have been liberated by Spain to fight the Cubans under such leadership as that of the notorious Lola Benitez, who bears the title of colonel, are, as might be expected, a blot on any Christian army.

As to the treatment of Cubans suspected of sympathy with the insurgents, we have but to consider the large number of men who have lately been arrested and on bare suspicion summarily sent to the Spanish penal colonies for life; some foreign citizens have indeed escaped court martial on the interference of their Governments, but it is well known that even civil trials at this time are under the absolute control of the Government.

#### NOT A NEGRO MOVEMENT.

The Spaniards charge, in order to belittle the insurrection, that it is a movement of negroes. It should be remembered that not more than one-third of the entire population are of the colored race. As a matter of fact, less than one-third of the army are of the colored race. Take, for instance, the generals of corps, divisions, and brigades; there are but three of the colored race, namely, Antonio and José Maceo and Augustin Cebreco, and these are mulattoes whose deeds and victories have placed them far above the generals of those who pretend to despise them. None of the members of the constituent assembly or of the Government are of the colored race. The Cubans and the colored race are as friendly in this war as they were in times of peace, and it would indeed be strange if the colored people were not so, as the whites fought for and with them in the last revolt, the only successful purpose of which was the freedom of the slaves.

If it be true that this is merely a movement of bandits and negroes and adventurers, as the Spaniards assert, why have they not armed the Cuban people to fight against the outlaws, or why have not the Cuban people themselves volunteered to crush this handful? On the contrary, they know that giving those Cubans arms who have them not would be but to increase the number of insurgents, and they have therefore sent more than 125,000 troops from Spain, mostly conscripts; they have sent over forty of their most famous generals; they have increased their navy, and virtually, so far as the Cubans are concerned, blockaded the entire coast. They have been compelled to make many onerous loans to carry on the campaign; they have increased the fortifications of their ports; they have brought torpedoes to protect their harbors, and they have even placed armed troops on their mail steamers to prevent their capture.

Besides this large army, they have between 60,000 and 80,000 volunteers to protect their towns. These volunteers, so called, are native Spaniards and a branch of the regular army, the service being compulsory; that is, instead of serving in the regular army at home, where their entire time must be given up, they volunteer to enter this body on emigration to Cuba, where they may follow to a considerable extent their occupation; in other words, they correspond to our home guards or militia, except that the service is obligatory and that the men can not leave the island without permission.

It is not denied that a large number of what the Spaniards term the lower classes are in this revolution, but this is only a proof of how deep into the mass of the people have been implanted the seeds of discon-

tent and of republicanism. This is a movement not like our last revolution—the result of the agitation of the wealthy and the educated—but one which is the outcome of the popular sentiment of all classes.

Much surprise has been expressed that with the immense army and resources at hand Spain has not been able to crush the insurrection or prevent its rapid growth. Aside from the climate, which is deadly to the raw, ill-fed, ill-clothed, ill-treated, and badly paid Spanish troops, the greater part of whom are mere lads, the Spaniards have to divide their troops into an army of occupation and another of operation. These must necessarily move in considerable numbers, because if compelled to flee without a knowledge of the intricacies of the country they would be decimated.

A Cuban command on dispersion is readily reorganized, as each man is his own guide. This is one of the most valuable of Cuban movements—to disperse as if routed, to rally at a previously agreed point, and then to fall upon and surprise the seemingly victorious enemy. The Cuban, used to the country and the climate, marches and rides much faster than the Spaniard. He can live and thrive, and does so in necessity, on food that is death to the Spanish soldier. Moreover in a friendly country the movements of the enemy are readily ascertained by the Cuban general, who can thus select his own position or evade the engagement, while the Spanish are never so well informed and are at the mercy of their guides.

It must be remembered that the Cuban fights for the noblest principle of man—*independence*. That he does so without compulsion or pay, but spontaneously and enthusiastically—*nay*, he fights the battle of despair, knowing it is better to be killed thus than to bear the tortures of a Spanish prison or to trust himself to the tender mercy of a Spanish commander. On the other hand, the Spanish troops fight by compulsion and for pay, which is even now months in arrears; they fight without faith, for their heart is not with their cause. They know that surrender means pardon and good treatment, while fighting may mean death. Hundreds of Spanish soldiers have singly or in groups gone over to the insurgent lines, being satisfied that they would live there under better conditions.

#### CHARACTER OF THE WAR.

There was also an attempt made by the Spanish to brand the Cubans with carrying on an uncivilized warfare because of their use of dynamite. General Boloff before using this explosive issued a proclamation warning all persons of the danger of traveling by rail. Dynamite has been used freely, but only as a substitute for gunpowder in the destruction of railroad bridges, trestles, and trains which could be used and were used for the transportation of Spanish troops. Of course it is a serious loss to Spain to have these railroads destroyed, but no one can seriously deny that it is a measure justified by the necessities of war. The use of this explosive as a substitute for gunpowder in the operation of mines is simply a proof that the Cubans are keeping pace with the advance of inventions in the art of war.

#### DESTRUCTION OF PROPERTY.

The subject, however, which has caused probably the most discussion is the order of General Gomez to prevent the grinding of sugar cane and in case of the disobedience of said order the destruction of the crop.



General Gomez issued a preliminary warning dated July 1, of which the following is a copy:

GENERAL HEADQUARTERS OF THE ARMY OF LIBERATION,  
*Najasa, Camaguey, July 1, 1896.*

*To the Planters and Owners of Cattle Ranches:*

In accord with the great interests of the revolution for the independence of the country and for which we are in arms:

Whereas all exploitations of any product whatsoever are aids and resources to the Government that we are fighting, it is resolved by the general in chief to issue this general order throughout the island that the introduction of articles of commerce, as well as beef and cattle, into the towns occupied by the enemy, is absolutely prohibited. The sugar plantations will stop their labors, and whosoever shall attempt to grind the crop notwithstanding this order, will have their cane burned and their buildings demolished. The person who, disobeying this order, will try to profit from the present situation of affairs, will show by his conduct little respect for the rights of the revolution of redemption and therefore shall be considered as an enemy, treated as a traitor, and tried as such in case of his capture.

MAXIMO GOMEZ,  
*The General in Chief.*

Nevertheless throughout the country preparations were made for the grinding of the crop. A peremptory order, of which the following is a copy, was then issued on November 6:

HEADQUARTERS OF THE ARMY OF LIBERATION,  
*Territory of Sancti Spiritus, November 6, 1896.*

Animated by the spirit of unchangeable resolution in defense of the rights of the revolution of redemption of this country of colonists, humiliated and despised by Spain, and in harmony with what has been decreed concerning the subject in the circular dated the 1st of July, I have ordered the following:

ARTICLE I. That all plantations shall be totally destroyed, their cane and outbuildings burned, and railroad connections destroyed.

ART. II. All laborers who shall aid the sugar factories—these sources of supplies that we must deprive the enemy of—shall be considered as traitors to their country.

ART. III. All who are caught in the act, or whose violation of Article II shall be proven, shall be shot. Let all chiefs of operations of the army of liberty comply with this order, determined to unfurl triumphantly, even over ruin and ashes, the flag of the Republic of Cuba.

In regard to the manner of waging the war, follow the private instructions that I have already given.

For the sake of the honor of our arms and your well-known courage and patriotism, it is expected that you will strictly comply with the above orders.

M. GOMEZ, *General in Chief.*

To the chiefs of operations: Circulate this.

On the 11th of November the following proclamation was issued:

HEADQUARTERS OF THE ARMY OF LIBERATION,  
*Sancti Spiritus, November 11, 1896.*

*To honest men, victims of the torch:*

The painful measure made necessary by the revolution of redemption drenched in innocent blood from Hatuey to our own times by cruel and merciless Spain will plunge you in misery. As general in chief of the army of liberation it is my duty to lead it to victory, without permitting myself to be restrained or terrified, by any means necessary to place Cuba in the shortest time in possession of her dearest ideal. I therefore place the responsibility for so great a ruin on those who look on impassively and force us to those extreme measures which they then condemn like dolts and hypocrites that they are. After so many years of supplication, humiliations, contumely, banishment, and death, when this people, of its own will, has arisen in arms, there remains no other solution but to triumph, it matters not what means are employed to accomplish it.

This people can not hesitate between the wealth of Spain and the liberty of Cuba. Its greatest crime would be to stain the land with blood without effecting its purposes because of puerile scruples and fears which do not concur with the character of the men who are in the field, challenging the fury of an army which is one of the bravest in the world, but which in this war is without enthusiasm or faith, ill fed and unpaid. The war did not begin February 24; it is about to begin now.

The war had to be organized; it was necessary to calm and lead into the proper channels the revolutionary spirit always exaggerated in the beginning by wild enthusiasm. The struggle ought to begin in obedience to a plan and method more or less studied, as the result of the peculiarities of this war. This has already been done. Let Spain now send her soldiers to rivet the chains of her slaves; the children of this land are in the field, armed with the weapons of liberty. The struggle will be terrible, but success will crown the revolution and efforts of the oppressed.

MAXIMO GOMEZ, *General in Chief.*

The reasons underlying this measure are the same which caused this country to destroy the cotton crop and the baled cotton in the South during the war of the secession.

The sugar crop is a source of large income to the Spanish Government, directly by tax and export duty, as well as indirectly. The action of the insurgents is perfectly justified, because it is simply a blockade, so to speak, on land—a prevention of the gathering, and hence the export, of the commodity with, naturally, a punishment for the violation thereof.

#### PROTESTS OF ALIENS.

Strenuous protests have, too, been made by and on behalf of aliens residing in or having property in Cuba.

It is admitted in civilized warfare that the property of alien residents, whether they are in sympathy with the enemy or not, when in the track of war, is subject to war's casualties, and that all property which might be of aid and comfort to the enemy may be taken or destroyed, the commander in the field being the judge of the exigency and necessities which dictate such action. This proposition has been laid down by the State Department and the Supreme Court of this country in the matter of the destruction of cotton in the late war.

The provision of the constitution of the Republic of Cuba that the citizens of a country which acknowledges the Cubans as belligerents, shall be exempt from the payment of taxes and contributions to the Republic, naturally implies that the property of such citizens after the granting of belligerency by their country, even though by all the laws of war it is contraband and may be seized or destroyed, will be absolutely respected, and, I have all reason to assert, will be under the special protection of the Cuban Government and its army.

For aliens to ask this protection as a right while their Government denies the existence of the belligerency of the Cubans might well be considered by the latter as allowing aid and comfort to go to their enemy, simply on the expectation that some time in the future the Government of those aliens may, out of gratitude to the Cubans, acknowledge, what is after all but a state of fact, belligerency. In the meantime the aid and comfort thus allowed by the Cubans to flow to the Spaniards must strengthen the latter and thus draw out the struggle or weaken the former. General Gomez explains the importance of this measure in the following letter:

DISTRICT OF REMEDIOS,  
*Province of Santa Clara, December 8, 1895.*

TO TOMAS ESTRADA PALMA.

MY DEAR AND ESTEEMED FRIEND: It is not long since I wrote you, but an opportunity offers by which I may send you a few words of encouragement and good cheer. Rest assured I write you whenever I can, which is not often, owing to the great amount of work which at present falls upon my shoulders. I know the pen is mightier than the sword, but my mission at present is with the latter; others must wield the pen.

Eight days ago Gen. Antonio Maceo and myself met and fought the enemy with our forces in conjunction. The Spanish column, including infantry, cavalry, and

artillery were our superiors in number, but the arms of the Cuban Republic were again victorious. I have not time at present to go into details of the battle, they will follow later. Suffice it to say, Spanish reports to the contrary notwithstanding, we won the day.

Our advance may be slow, but it will be sure and firm. If you hear of our retreat remember that it will be temporary and for a purpose. Our faces are turned toward the west and nothing will stop us. The result of my observations as we proceed is that the Spaniards are in need of almost everything—money, sympathy, soldiers, and even leaders who have faith and courage in the righteousness of their cause.

If Cuban valor and resolution do not fail us, and if the hearts of Cuba's children do not weaken, I have every reason to believe that the close of the six months' campaign now initiated will find everything satisfactorily settled and Cuba free.

I know that unfavorable comment has been made on some of the methods we have been forced to employ in this revolution, but it will not do to listen to the complaints of the superficial and irresponsible. No sugar crop must be made this winter under any circumstances or for any amount of money. It is the source from which the enemy still hopes and dreams of obtaining its revenue. To prevent that end, for the good of our country, has been and shall be our programme.

We are Cubans and have one great aim in view, one glorious object to obtain—the freedom of our country and liberty. It is of more importance to us than glory, public applause, or anything else. Everything else will follow in time. I have never believed in or advised a sanguinary revolution, but it must be a radical one. First of all we must triumph; toward that end the most effective means, although they may appear harsh, must be employed.

There is nothing so bad, so dishonorable, so inexcusable, in the eyes of the world as failure. Victory is within our reach. To hesitate, to delay it, to endanger it now, would be stupid, would be cowardly, would be criminal. We will succeed first; the applause of the world will follow. To do otherwise would be not to love one's country. I have never felt more confident than at the present moment. You can rest assured that Cuba will soon achieve her absolute independence.

Ever your true friend,

MAXIMO GOMEZ.

As I have through various sources been approached on this subject in behalf of property of American citizens on the island, and as I know the cordial friendship which the Cubans bear to the Government and people of the United States of America, feeling assured that this country, from its very history, must likewise feel a deep sympathy with a people who are treading in their footsteps, I have written to the Government of the Republic of Cuba the following letter:

NEW YORK, December 23, 1896.

SALVADOR CISNEROS BETANCOURT,  
*President of the Cuban Republic.*

MY DISTINGUISHED FELLOW-COUNTRYMAN: There have been many complaints made to me from various sources that the property of citizens of the United States of North America has been destroyed by our army of liberation in Cuba under the order of our distinguished general in chief, Maximo Gomez. I know very well how you and all my countrymen feel toward this Republic, and that you desire to do everything in your power to demonstrate your friendship, and I deem it my duty to communicate the above facts to you so that you may consider the matter carefully and thoroughly; at the same time I know that many Spaniards intend to transfer their property, as some have done already, to American citizens or companies especially organized for their purposes, in case that you should, before or after receiving the rights of belligerents, take active measures for the protection of North American interests.

I say this because I am sure that, at least after the granting of belligerency, you will do your utmost to guard the interests of the citizens of a country which warmly sympathizes with us in our present struggle.

Hoping that you will give this subject your most thoughtful consideration, I remain your devoted friend, for country and liberty,

T. ESTRADA PALMA.

In view of the history of this revolution as herein stated, in view of the causes which led to it, its rapid growth, its successes in arms, the establishment, operation, and resources of the Government of the Cuban Republic, the organization, number, and discipline of its army, the contrast in the treatment of prisoners to that of the enemy, the territory in its control and subject to the carrying out of its decrees, of

the futility of the attempts of the Spanish Government to crush the revolution, in spite of the immense increase of its army in Cuba and of its blockade and the many millions spent for that purpose, the cruelties which on the part of the Spanish have especially characterized this sanguinary and fiercely conducted war, and the damage to the interests of the citizens of this country under the present conditions, I, as the duly accredited representative, in the name of the Cuban people in arms who have fought singly and alone against the monarchy of Spain for nearly a year, in the heart of a contiuent devoted to republican institutions, in the name of justice, in the name of humanity, in the name of liberty, petition you, and through you the Government of the United States of America, to accord the rights of belligerency to a people fighting for their absolute independence.

Very respectfully, yours,

T. ESTRADA PALMA.

The Hon. RICHARD OLNEY,  
*Secretary of State of the United States of America.*

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CUBA v. SPAIN.

War is a dire necessity. But when a people has exhausted all human means of persuasion to obtain from an unjust oppressor a remedy for its ills, if it appeals as a last resource to force in order to repel the persistent aggression which constitutes tyranny, this people is justified before its own conscience and before the tribunal of nations.

Such is the case of Cuba in its wars against Spain. No metropolis has ever been harsher or more obstinately harassing; none has ever exploited a colony with more greediness and less foresight than Spain. No colony has ever been more prudent, more long-suffering, more cautious, more persevering than Cuba in its purpose of asking for its rights by appealing to the lessons of experience and political wisdom. Only driven by desperation has the people of Cuba taken up arms, and having done so, it displays as much heroism in the hour of danger as it had shown good judgment in the hour of deliberation.

The history of Cuba during the present century is a long series of rebellions; but every one of these was preceded by a peaceful struggle for its rights—a fruitless struggle because of the obstinate blindness of Spain.

There were patriots in Cuba from the beginning of this century, such as Presbyter Caballero and Don Francisco Arango, who called the metropolitan Government's attention to the evils of the colony, and pointed to the remedy by pleading for the commercial franchises required by its economical organization, and for the intervention of the natives in its government, not only as a right, but also for political expediency, in view of the long distance between the colony and the home government, and the grave difficulties with which it had to contend. The requirements of the war with the continental colonies, which were tired of Spanish tyranny, compelled the metropolitan Government to grant a certain measure of commercial liberty to the Island of Cuba; a temporary concession which spread prosperity throughout its territory, but which was not sufficient to open the eyes of the Spanish statesmen. On the contrary, prompted by suspicion and mistrust of the Americans, they began by curtailing, and shortly after abrogated the limited administrative powers then possessed by some of the corporations in Cuba, such as the "Junta de Fomento"—(a board for the encouragement of internal improvements).

As if this were not enough, the Cubans were deprived of the little show of political intervention they had in public affairs. By a simple royal decree in 1837 the small representation of Cuba in the Spanish Cortes was suppressed, and all the powers of the Government were concentrated in the hands of the captain-general, on whom authority was conferred to act as the governor of a city in a state of siege. This implied that the captain-general, residing in Habana, was master of the life and property of every inhabitant of the island of Cuba. This meant that Spain declared a permanent state of war against a peaceful and defenseless people.

Cuba saw its most illustrious sons, such as Heredia and Saco, wander in exile throughout the free American Continent. Cuba saw as many of the Cubans as dared to love liberty and declare it by act or word die on the scaffold, such as Joaquin de Agüero and Plácido. Cuba saw the product of its people's labor confiscated by iniquitous fiscal laws imposed by its masters from afar. Cuba saw the administration of justice in the hands of foreign magistrates, who acted at the will or the whim of its rulers. Cuba suffered all the outrages that can humiliate a conquered people, in the name and by the work of a Government that sarcastically calls itself paternal. Is it to be wondered, then, that an uninterrupted era of conspiracies and uprisings should have been inaugurated? Cuba in its despair took up arms in 1850 and 1851, conspired again in 1855, waged war in 1868, in 1879, in 1885, and is fighting now since the 24th of February of the present year.

But at the same time Cuba has never ceased to ask for justice and redress. Its people, before shouldering the rifle, pleaded for their rights. Before the pronunciamiento of Agüero and the invasions of Lopez, Saco, in exile, exposed the dangers of Cuba to the Spanish statesmen, and pointed to the remedy. Other farsighted men seconded him in the colony. They denounced the cancer of slavery, the horrors of the traffic in slaves, the corruption of the officeholders, the abuses of the Government, the discontent of the people with their forced state of political tutelage. No attention was given to them, and this brought on the first armed conflicts.

Before the formidable insurrection of 1868, which lasted ten years, the reform party, which included the most enlightened, wealthy, and influential Cubans, exhausted all the resources within their reach to induce Spain to initiate a healthy change in her Cuban policy. The party started the publication of periodicals in Madrid and in the island, addressed petitions, maintained a great agitation throughout the country, and having succeeded in leading the Spanish Government to make an inquiry into the economical, political, and social condition of Cuba, they presented a complete plan of government which satisfied public requirements as well as the aspirations of the people. The Spanish Government disdainfully cast aside the proposition as useless, increased taxation, and proceeded to its exaction with extreme severity.

It was then that the ten-year war broke out. Cuba, almost a pigmy compared with Spain, fought like a giant. Blood ran in torrents. Public wealth disappeared in a bottomless abyss. Spain lost 200,000 men. Whole districts of Cuba were left almost entirely without their male population. Seven hundred millions were spent to feed that conflagration—a conflagration that tested Cuban heroism, but which could not touch the hardened heart of Spain. The latter could not subdue the bleeding colony, which had no longer strength to prolong the struggle with any prospect of success. Spain proposed a compact which was a snare and a deceit. She granted to Cuba the liberties of Puerto Rico, which enjoyed none.

On this deceitful ground was laid the new situation, throughout which has run a current of falsehood and hypocrisy. Spain, whose mind had not changed, hastened to change the name of things. The captain-general was called governor-general. The royal decrees took the name of authorizations. The commercial monopoly of Spain was named coasting trade. The right of banishment was transformed into the law of vagrancy. The brutal attacks of defenseless citizens were called "componte." The abolition of constitutional guarantees became the law of public order. Taxation without the consent or knowledge of the Cuban people was changed into the law of estimates (budget) voted by the representatives of Spain; that is, of European Spain.

The painful lesson of the ten-year war had been entirely lost on Spain. Instead of inaugurating a redeeming policy that would heal the recent wounds, allay public anxiety, and quench the thirst for justice felt by the people, who were desirous to enjoy their natural rights, the metropolis, while lavish in promises of reform, persisted in carrying on unchanged its old and crafty system, the groundwork of which continues to be the same, namely: To exclude every native Cuban from every office that could give him any effective influence and intervention in public affairs; the ungovernable exploitation of the colonists' labor for the benefit of Spanish commerce and Spanish bureaucracy, both civil and military. To carry out the latter purpose it was necessary to maintain the former at any cost.

## I.

In order to render the native Cuban powerless in his own country, Spain, legislating for Cuba without restriction as it does, had only to give him an electoral law so artfully framed as to accomplish two objects: First, to reduce the number of voters; second, to give always a majority to the Spaniards; that is, to the European colonists, notwithstanding that the latter represent only 9.3 per cent of the total population of Cuba. To this effect it made the electoral right dependent on the payment of a very high poll tax, which proved the more burdensome as the war had ruined the

larger number of Cuban proprietors. In this way it succeeded in restricting the right of suffrage to only 53,000 inhabitants in an island which has a population of 1,600,000; that is to say, to the derisive proportion of 3 per cent of the total number of inhabitants.

In order to give a decided preponderance to the Spanish European element, the electoral law has ignored the practice generally observed in those countries where the right to vote depends on the payment of a poll tax, and has afforded all the facilities to acquire the electoral privilege to industry, commerce, and public officials, to the detriment of the territorial property (the ownership of real estate). To accomplish this, while the rate of the territorial tax is reduced to 2 per cent, an indispensable measure, in view of the ruinous condition of the landowners, the exorbitant contribution of \$25 is required from those who would be electors as freeholders. The law has, moreover, thrown the doors wide open for the perpetration of fraud by providing that the simple declaration of the head of a commercial house is sufficient to consider all its employees as partners, having, therefore, the right to vote. This has given us firms with thirty or more partners. By this simple scheme almost all the Spaniards residing in Cuba are turned into electors, despite the explicit provisions of the law. Thus it comes to pass that the municipal district of Güines, with a population of 13,000 inhabitants, only 500 of which are Spaniards and Canary Islanders, shows on its electoral list the names of 32 native Cubans and of 400 Spaniards—only 0.26 per cent of the Cuban to 80 per cent of the Spanish population.

But, as if this were not enough, a so-called permanent commission of provincial deputations decides every controversy that may arise as to who is to be included in or excluded from the list of electors, and the members of this commission are appointed by the Governor-General. It is unnecessary to say that its majority has always been devoted to the Government. In case any elector considers himself wronged by the decision of the permanent commission he can appeal to the "audiencia" (higher court) of the district, but the "audiencias" are almost entirely made up of European magistrates; they are subject to the authority of the Governor-General, being mere political tools in his hands. As a conclusive instance of the manner in which these tribunals do justice to the claims of the Cuban electors, it will be sufficient to cite a case which occurred in Santa Clara in 1892, where 1,000 fully qualified liberal electors were excluded at one time, for the simple omission to state their names at the end of the act presented by the elector who headed the claim. In more than one case has the same "audiencia" applied two different criterions to identical cases. The "audiencia" of Havana, in 1887, ignoring the explicit provisions of the law, excused the employees from the condition of residence, a condition that the same tribunal exacted before. The same "audiencia" in 1885 declared that the contributions to the State and to the municipality were accumulative, and in 1887 decided the opposite. This inconsistency had for its object to expunge from the lists hundreds of Cuban electors. In this way the Spanish Government and tribunals have endeavored to teach respect for the law and for the practice of wholesome electoral customs to the Cuban colonists.

It will be easily understood now why on some occasions the Cuban representation in the Spanish Parliament has been made up of only three deputies, and in the most favorable epochs the number of Cuban representatives has not exceeded six. Three deputies in a body of four hundred and thirty members! The genuine representation of Cuba has not reached sometimes 0.96 per cent of the total number of members of the Spanish congress. The great majority of the Cuban deputation has always consisted of Spanish peninsulars. In this manner the ministers of "ultramar" (ministers of the colonies), whenever they have thought necessary to give an honest or decent appearance to their legislative acts by an alleged majority of Cuban votes, could always command the latter—that is, the peninsulars.

As regards the representation in the senate, the operation has been more simple still. The qualifications required to be a senator have proved to be an almost absolute prohibition to the Cubans. In fact, to take a seat in the higher house it is necessary to have been president of that body or of congress, or a minister of the crown, or a bishop, or a grandee of Spain, a lieutenant-general, a vice-admiral, ambassador, minister plenipotentiary, counselor of state, judge, or attorney-general of the supreme court, of the court of accounts, etc. No Cuban has ever filled any of the above positions, and scarcely two or three are grandees. The only natives of Cuba who can be senators are those who have been deputies in three different Congresses, or who are professors and have held for four years a university chair, provided that they have an income of \$1,500; or those who have a title of nobility, or have been deputies, provincial deputies, or mayors in towns of over 20,000 inhabitants, if they have in addition an income of \$4,000, or pay a direct contribution of \$800 to the treasury. This will increase in one or two dozen the number of Cubans qualified to be senators.

In this manner has legislative work, so far as Cuba is concerned, turned out to be a farce. The various Governments have legislated for the island as they pleased. The

representatives of the peninsular provinces did not even take the trouble of attending the sessions of the Cortes when Cuban affairs were to be dealt with; and there was an instance when the estimates (budget) for the Great Antille were discussed in the presence of less than thirty deputies, and a single one of the ministers, the minister of "ultramar" (session of April 3, 1880).

Through the contrivance of the law, as well as through the irregularities committed and consented in its application, have the Cubans been deprived also of representation in the local corporations to which they were entitled, and in many cases they have been entirely excluded from them. When, despite the legalized obstacles and the partiality of those in power, they have obtained some temporary majority, the Government has always endeavored and succeeded in making their triumph null and void. Only once did the home-rule party obtain a majority in the provincial deputation of Havana, and then the Governor-General appointed from among the Spaniards a majority of the members of the permanent commission. Until that time this commission had been of the same political complexion as the majority of the deputation. By such proceedings have the Cubans been gradually expelled, even from the municipal bodies. Suffice it to say that the law provides that the derramas (assessments) be excluded from the computation of the tributary quotas, notwithstanding that they constitute the heaviest burden upon the municipal taxpayer. And the majorities, consisting of Spaniards, take good care to make this burden fall with heavier weight upon the Cuban proprietor. Thus the latter has to bear a heavier taxation with less representation.

This is the reason why the scandalous case has occurred lately of not a single Cuban having a seat in the "Ayuntamiento" (board of aldermen) of Havana. In 1891 the Spaniards predominated in thirty-one out of thirty-seven "Ayuntamientos" in the province of Havana. In that of Güines, with a population of 12,500 Cuban inhabitants, not a single one of the latter was found among its councillors. In the same epoch there were only three Cuban deputies in the provincial deputation of Havana; two in that of Matanzas, and three in that of Santa Clara. And these are the most populous regions in the Island of Cuba.

As, on the other hand, the government of the metropolis appoints the officials of the colony, all the lucrative, influential, and representative offices are secured to the Spaniards from Europe. The Governor-General, the regional and provincial governors, the "intendentes," comptrollers, auditors, treasurers, chiefs of communications, chiefs of the custom-houses, chiefs of administration, presidents and vice-presidents of the Spanish bank, secretaries of the Government, presiding judges of the "audiencia," presidents of tribunal, magistrates, attorneys-general, archbishops, bishops, canons, pastors of rich parishes—all, with very rare exceptions, are Spaniards from Spain. The Cubans are found only as minor clerks in the Government offices, doing all the work and receiving the smallest salaries.

From 1878 to this date there have been twenty governors in the province of Matanzas. Eighteen were Spaniards and two Cubans. But one of these, Brigadier-General Acosta, was an army officer in the service of Spain, who had fought against his countrymen; and the other, Señor González Muñoz, is a bureaucrat. During the same period there has been only one native Cuban acting as governor in the province of Havana, Señor Rodríguez Batista, who spent all his life in Spain, where he made his administrative career. In the other provinces there has never, probably, been a single governor born in the country.

In 1887 there was created a council, or board of ultramar, under the minister of the colonies. Not a single Cuban has ever been found among its members. On the other hand, such men as Generals Armiñan and Pando have held positions in it.

The predominance of the Government goes further still. It weighs with all its might upon the local corporations. There are deputations in the provinces, and not only are their powers restricted and their resources scanty, but the Governor-General appoints their presidents and all the members of the permanent commissions. There are "ayuntamientos" elected in accordance with the reactionary law of 1877, restricted and curtailed as applied to Cuba by Señor Canovas. But the Governor-General appoints the mayors, who may not belong to the corporation, and the governor of the province appoints the secretaries. The Government reserves, moreover, the right to remove the mayors, of replacing them, and of suspending the councillors and the "ayuntamientos," partly or in a body. It has frequently made use of this right for electoral purposes, to the detriment always of the Cubans.

As may be seen, the crafty policy of Spain has closed every avenue through which redress might be obtained. All the powers are centered in the Government of Madrid and its delegates in the colony; and in order to give her despotism a slight varnish of a representative régime she has contrived with her laws to secure complaisant majorities in the pseudo-elective bodies. To accomplish this purpose she has relied upon the European immigrants, who have always supported the Government of the metropolis in exchange for lasting privileges. The existence of a Spanish party, as that of an English party at one time in Canada, has been the foundation of

Spanish rule in Cuba. Thus, through the instrumentality of the laws and the Government, a régime of castes has been enthroned there, with its outcome of monopolies, corruption, immorality, and hatred. The political contest there, far from being the fruitful clash of opposite ideas, or the opposition of men representing different tendencies, but all seeking a social improvement, has been only a struggle between hostile factions—the conflict between infuriated foes which precedes an open war. The Spanish resident has always seen a threat in the most timid protest of the Cuban—an attack upon the privileged position on which his fortune, his influence, and his power are grounded, and he is always willing to stifle it with insult and persecution.

## II.

What use the Spanish Government has made of this power is apparent in the three-fold spoliation to which it has submitted the Island of Cuba. Spain has not, in fact, a colonial policy. In the distant lands she has subdued by force Spain has sought nothing but immediate riches, and these it has wrung by might from the compulsory labor of the natives. For this reason Spain to-day in Cuba is only a parasite. Spain exploits the Island of Cuba through its fiscal régime, through its commercial régime, and through its bureaucratic régime. These are the three forms of official spoliation, but they are not the only forms of spoliation.

When the war of 1878 came to an end two-thirds of the island were completely ruined. The other third, the population of which had remained peaceful, was abundantly productive; but it had to face the great economical change involved in the impending abolition of slavery. Slavery had received its deathblow at the hands of the insurrection, and Cuban insurrectionists succeeded at the close of the war in securing its eventual abolition. Evidently it would have been a wholesome and provident policy to lighten the fiscal burdens of a country in such a condition. Spain was only bent on making Cuba pay the cost of the war. The metropolis overwhelmed the colony with enormous budgets, reaching as high a figure as \$46,000,000, and this only to cover the obligations of the state, or rather to fill the unfathomable gulf left by the wastefulness and plunder of the civil and military administration during the years of war, and to meet the expenses of the military occupation of the country. Here follow a few figures: The budget for the fiscal year of 1878 to 1879 amounted to \$46,594,000; that of 1879 to 1880 to an equal sum; that of 1882 to 1883 to \$35,860,000; that of 1883 to 1884 to \$34,180,000; that of 1884 to 1885 to the same sum; that of 1885 to 1886 to \$34,169,000. For the remaining years, to the present time, the amount of the budget has been about \$26,000,000, this being the figure for 1893 to 1894, and to be the same by prorogation for the current fiscal year.

The gradual reduction that may be noted was not the result of a desire to reduce the overwhelming burdens that weigh upon the country. It was imposed by necessity. Cuba was not able by far to meet such a monstrous exaction. It was a continuous and threatening deficit that imposed these reductions. In the first of the above-named years the revenue was \$8,000,000 short of the budget or appropriations. In the second year the deficit reached the sum of \$20,000,000. In 1883 it was nearly \$10,000,000. In the following years the deficits averaged nearly \$4,500,000. At present the accumulated amount of all these deficits reaches the sum of \$100,000,000.

As a consequence of such a reckless and senseless financial course, the debt of Cuba has been increased to a fabulous sum. In 1868 we owed \$25,000,000. When the present war broke out our debt, it was calculated, reached the net sum of \$190,000,000. On the 31st of July of the current year the Island of Cuba was reckoned to owe \$295,707,264 in bulk. Considering its population, the debt of Cuba exceeds that of all the other American countries, including the United States. The interest on this debt imposes a burden of \$9.79 on each inhabitant. The French people, the most overburdened in this respect, owe only \$6.30 per inhabitant.

This enormous debt, contracted and saddled upon the country without its knowledge; this heavy load that grinds it and does not permit its people to capitalize their income, to foster its improvements, or even to entertain its industries, constitutes one of the most iniquitous forms of spoliation the island has to bear. In it are included a debt of Spain to the United States; the expenses incurred by Spain when she occupied Santo Domingo; those for the invasion of Mexico in alliance with France and England; the expenditures for her hostilities against Peru; the money advanced to the Spanish treasury during its recent Carlist wars; and all that Spain has spent to uphold its domination in Cuba and to cover the lavish expenditures of its administration since 1868. Not a cent of this enormous sum has been spent in Cuba to advance the work of improvement and civilization. It has not contributed to build a single kilometer of highway or of railroad, nor to erect a single light-house or deepen a single port; it has not built one asylum or opened one public school. Such a heavy burden has been left to the future generations without a single compensation or benefit.

But the naked figures of the Cuban budgets and of the Cuban debt tell very little in regard to their true importance and signification as machines to squeeze out the



substance of a people's labor. It is necessary to examine closer the details of these accounts and expenditures.

Those of Cuba, according to the last budgets or appropriations, amount to \$26,411,-\$14, distributed as follows:

General obligations.....	\$12, 884, 549. 55
Department of justice (courts, etc.) .....	1, 006, 308. 51
Department of war .....	5, 918, 598. 16
Department of the treasury .....	727, 892. 45
Department of the navy.....	1, 091, 969. 65
Government, administration.....	4, 035, 071. 43
Interior improvements (fomento) .....	746, 925. 15

There are in Cuba 1,631,687 inhabitants according to the last census, that of 1887. That is to say, that this budget burdens them in the proportion of \$16.18 for each inhabitant. The Spaniards in Spain pay only —42.06 pesetas per head. Reducing the Cuban dollars to pesetas at the exchange rate of \$95 for 500 pesetas, there results that the Cubans have to pay a tribute of 85.16 pesetas for each inhabitant; more than double the amount a Spaniard has to pay in his European country.

As shown above, most of this excessive burden is to cover entirely unproductive expenditures. The debt consumes 40.89 per cent of the total amount. The defense of the country against its own native inhabitants, the only enemies who threaten Spain, including the cost of the army, the navy, the civil guard, and the guardians of public order, takes 36.59 per cent. There remains for all the other expenditures required by civilized life 22.52 per cent.

And of this percentage the State reserves to us, what a liberality! 2.75 per cent to prepare for the future and develop the resources of the country!

Let us see now what Spain has done to permit at least the development of natural wealth and the industry of a country impoverished by this fiscal régime, the work of cupidity, incompetency, and immorality. Let us see whether that nation has left at least some vitality to Cuba, in order to continue exploiting it with some profit.

The economical organization of Cuba is of the simplest kind. It produces to export, and imports almost everything it consumes. In view of this, it is evident that all that Cuba required from the State was that it should not hamper its work with excessive burdens, nor hinder its commercial relations; so that it could buy cheap where it suited her and sell her products with profit. Spain has done all the contrary. She has treated the tobacco as an enemy; she has loaded the sugar with excessive imposts; she has shackled with excessive and abusive excise duties the cattle-raising industry; and with her legislative doings and undoings she has thrown obstacles in the way of the mining industry. And to cap the climax, she has tightly bound Cuba in the network of a monstrous tariff and a commercial legislation which subjects the colony, at the end of the nineteenth century, to the ruinous monopoly of the producers and merchants of certain regions of Spain, as in the halcyon days of the colonial compact.

The district which produces the best tobacco in the world, the famous Vuelta Abajo, lacks every means of transportation afforded by civilization to foster and increase the value of its products. No roads, no bridges, or even ports, are found there. The state in Cuba collects the taxes, but does not invest them for the benefit of any industry. On the other hand, those foreign countries desirous of acquiring the rich tobacco-raising industry have closed their markets to our privileged product by imposing upon it excessive import duties, while the Spanish Government burdens its exportation from our ports with a duty of \$1.80 on every thousand cigars. Is this not a stroke of actual insanity?

Everybody is aware of the tremendous crisis through which the sugar industry has been passing for some years, owing to the rapid development of the production of this article everywhere. Every Government has hastened to protect its own by more or less empirical measures. This is not the place to judge them. What is important is to recall the fact that they have endeavored to place the threatened industry in the best condition to withstand the competition. What has Spain done in order, if not to maintain the strong position held before by Cuba, at least to enable the colony to carry on the competition with its every day more formidable rivals? Spain pays bounties to the sugar produced within its own territory, and closes its markets to the Cuban sugar by imposing upon it an import duty of \$6.20 per hundred kilograms. It has been calculated that a hundredweight of Cuban sugar is overburdened when reaching the Barcelona market with 143 per cent of its value. The Spanish Government oppresses the Cuban producer with every kind of exactions; taxes the introduction of the machinery that is indispensable for the production of sugar, obstructs its transportation by imposing heavy taxes on the railroads, and winds up the work by exacting another contribution called "industrial duty," and still another for loading or shipping, which is equivalent to an export duty.

As a last stroke, Spain has reenforced the commercial laws of June 30 and July 20, 1882, virtually closing the ports of Cuba to foreign commerce, and establishing the

monopoly of the peninsular producers, without any compensation to the colony. The apparent object of these laws was to establish the "cabotaje" (coasting trade) between Cuba and Spain. By the former all the Cuban products were admitted free of duty in the Spanish Peninsula, excepting, however, the tobacco, rum, sugar, cocoa, and coffee, which remained temporarily burdened. By the latter the duties on the importations from Spain in Cuba were to be gradually reduced through a period of ten years, until, in 1892, they were entirely abolished. The result, however, has been that the temporary duties on the principal, almost the only, Cuban products have remained undisturbed until now, and the duties on the Spanish products have disappeared. The "cabotaje" (coasting trade) is carried on from Spain to Cuba, but not from Cuba to Spain. The Spanish products pay no duties in Cuba; the Cuban products pay heavy duties in Spain. As at the same time the differential tariffs which overburdened with excessive duties the foreign products have been retained, the unavoidable consequence has been to give the Cuban market entirely to the Peninsula producers. In order to have an idea as to how far the monopoly of Spain goes, it will be sufficient to point to the fact that the burdens which many of the foreign articles have to bear exceed 2,000 and even 2,300 per cent, as compared with those borne by the Spanish products. One hundred kilograms of cotton prints pay a duty, if Spanish, of \$26.65; if foreign, \$47.26. One hundred kilograms of knitted goods pay, if from Spain, \$10.95; if from a foreign country, \$195. One thousand kilograms of bags for sugar, when they are or are represented to be Spanish, pay \$4.69; if from other country, \$32.50. One hundred kilograms of cassimere, if it is a Spanish product, pay \$15.47; if foreign, \$300.

Still, if Spain was a flourishing industrial country, and produced the principal articles required by Cuba for the consumption of its people, or for developing and fostering its industries, the evil, although always great, would be a lesser one. But everybody knows the backwardness of the Spanish industries, and the inability of Spain to supply Cuba with the products she requires for her consumption and industries. The Cubans have to consume or use Spanish articles of inferior quality or pay exorbitant prices for foreign goods. The Spanish merchants have found, moreover, a new source of fraud in the application of these antiquated and iniquitous laws; it consists in nationalizing foreign products for importation into Cuba.

As the mainspring of this senseless commercial policy is to support the monopoly of Spanish commerce, when Spain has been compelled to deviate from it to a certain extent by an international treaty, it has done so reluctantly and in the anxious expectation of an opportunity to nullify its own promises. This explains the accidental history of the reciprocity treaty with the United States, which was received with joy by Cuba, obstructed by the Spanish administration, and prematurely abolished by the Spanish Government as soon as it saw an opportunity.

The injury done to Cuba, and the evil effects produced by this commercial legislation, are beyond calculation; its effects have been material losses which have engendered profound discontent. The "Circulo de Hacendados y Agricultores," the wealthiest corporation of the Island, last year passed judgment on these commercial laws in the following severe terms:

"It would be impossible to explain, should the attempt be made, what is the signification of the present commercial laws as regards any economical or political plan or system; because, economically, they aim at the destruction of public wealth, and, politically, they are the cause of inextinguishable discontent, and contain the germs of grave dissensions."

But Spain has not taken heed of this; her only care has been to keep the producers and merchants of such rebellious provinces as Catalonia contented, and to satisfy its military men and bureaucrats.

For the latter is reserved the best part of the booty taken from Cuba. High salaries and the power of extortion for the officeholders sent to the colony; regular tributes for the politicians who uphold them in the metropolis. The Governor-General is paid a salary of \$50,000, in addition to a palace, a country house as a summer resort, servants, coaches, and a fund for secret expenses at his disposal. The director-general of the treasury receives a salary of \$18,500. The archbishop of Santiago and the bishop of Havana, \$18,000 each. The commander-general of the "Apostadero" (naval station), \$18,392. The general segundo cabo (second in command of the Island), and the president of the "audiencia," \$15,000 each. The governor of Havana and the secretary of the General Government, \$8,000 each. The postmaster-general, \$5,000. The collector for the Havana custom-house, \$4,000. The manager of lotteries, the same salary. The chief clerks of administration of the first class receive \$5,000 each; those of the second class, \$4,000, and those of the third class, \$3,000 each. The major-generals are paid \$7,500; the brigadier-generals, \$4,500, and when in command, \$5,000; the colonels, \$3,450, and this salary is increased when they are in command of a regiment. The captains of "navío" (the largest men-of-war) receive \$6,300; the captains of frigate, \$4,560; the lieutenants of "navío" of the first class, \$3,370. All these functionaries are entitled to free lodgings and domestic serv-

ants. Then follows the numberless crowd of minor officials, all well provided for, and with great facilities better to provide for themselves.

At the office of the minister of "ultramar" (of the colonies), who resides in Madrid, and to whom \$96,800 a year are assigned from the treasury of Cuba—at that office begins the saturnalia in which the Spanish bureaucrats indulge with the riches of Cuba. Sometimes through incapacity, but more frequently for plunder, the money exacted from the Cuban taxpayers is unscrupulously and irresponsibly squandered. It has been demonstrated that the debt of Cuba has been increased in \$50,232,500 through Minister Fabié's incapacity. At the time this minister was in power the Spanish Bank disposed of twenty millions from the Cuban treasury, which were to be carried in account current at the disposal of the minister for the famous operation of withdrawing the paper currency. Cuba paid the interest on these millions, and continued paying it all the time they were utilized by the bank. Minister Romero Robledo took at one time (in 1892) \$1,000,000 belonging to the treasury of Cuba from the vaults of the Bank of Spain, and lent it to the Transatlantic Company, of which he was a stockholder. This was done in defiance of law and without any authorization whatever. The minister was threatened with prosecution, but he haughtily replied that, if prosecuted, all his predecessors from every political party would have to accompany him to the court. That threat came to nothing.

In June of 1890 there was a scandalous debate in the Spanish Cortes, in which some of the frauds committed upon the Cuban treasury were, not for the first time, brought to light. It was then made public that \$6,500,000 had been abstracted from the "caja de depósitos," notwithstanding that the safe was locked with three keys, and each one was in the possession of a different functionary. Then it was known that, under the pretext of false vouchers for transportation and fictitious bills for provisions, during the previous war, defalcations had been found afterwards amounting to \$22,811,516. In the month of March of the same year General Pando affirmed that the robberies committed through the issue of warrants by the "junta de la deuda" (board of public debt) exceeded the sum of \$12,000,000.

These are only a few of the most salient facts. The large number of millions mentioned above represent only an insignificant part of what a venal administration, sure of impunity, exacts from Cuban labor. The network of artful schemes to cheat the Cuban taxpayer and defraud the State covers everything. Falsification of documents, embezzlement of revenues, bargains with delinquent debtors, exaction of higher dues from inexperienced peasants, delays in the dispatch of judicial proceedings in order to obtain a more or less considerable gratuity; such are the artful means daily employed to empty the purse of the taxpayer and to divert the public funds into the pockets of the functionaries.

These disgraceful transactions have more than once been brought out to light; more than once have the prevaricators been pointed out. Is there any record of any of them having ever been punished?

In August of 1887 General Marin entered the custom-house of Havana at the head of a military force, besieged and occupied it, investigated the operations carried on there, and discharged every employee. The act caused a great stir, but not a single one of the officials was indicted or suffered a further punishment. There were, in 1891, 350 officials indicted in Cuba for committing fraud; not one of them was punished.

But how could they be punished? Every official who comes to Cuba has an influential patron in the court of Madrid for whose protection he pays with regularity. This is a public secret. General Salamanca gave it out in plain words, and before and after General Salamanca all Spain knew and knows it. The political leaders are well known who draw the highest income from the officeholders of Cuba, who are, as a matter of course, the most fervent advocates of the necessity of Spanish rule in Cuba. But Spanish bureaucracy is moreover so deep-rooted in Spain that it has succeeded in shielding itself even against the action of the courts of justice. There is a royal decree (that of 1882) in force in Cuba, which provides that the ordinary courts can not take cognizance of such offenses as defalcation, abstraction or malversation of public funds, forgery, etc., committed by officials of the administration, if their guilt is not first established by an administrative investigation. The administration is, therefore, its own judge. What further security does the corrupt officeholder need?

### III.

We have shown that notwithstanding the promises of Spain and the ostensible changes introduced in the government of Cuba since 1878, the Spaniards from Europe have governed and ruled exclusively in Cuba, and have continued exploiting it until they have ruined the country. Can this tyrannical system be justified by any kind of benefits that might compensate for the deprivation of actual power of which the natives of the colony complain? More than one despotic government has tried to justify itself with the material prosperity it has fostered, or with the safety it has

secured to its citizens, or with the liberty it has given to certain manifestations of civilized life. Let us see whether the Cubans are indebted to the iron government of Spain for any of these compensating blessings.

Personal safety is a myth among us. Outlaws, as well as men of law, have disposed at will of the property, the peace, and the life of the inhabitants of Cuba. The civil guard (armed police), far from being the guardians, have been the terror of the Cuban peasants. Wherever they pass they cause an alarm by the brutal ill treatment to which they submit the inhabitants, who in many cases fly from their homes at their approach. Under the most trifling pretext they beat unmercifully the defenseless countrymen, and very frequently they have killed those they were conveying under arrest. These outrages became so notorious that the commander in chief of the civil guard, Brigadier-General Denis, had to issue a circular in which he declared that his subordinates, "under pretext of obtaining confidential information, resorted to violent measures," and that "the cases are very frequent in which individuals arrested by forces of the corps attempt to escape, and the keepers find themselves in the necessity of making use of their weapons." What the above declarations signify is evident, notwithstanding the euphemisms of the official language. The object of this circular was to put a stop to these excesses; it bears the date of 1883. But the state of things continued the same. In 1886 the watering place of Madruga, one of the most frequented summer resorts in the island, witnessed the outrageous attacks of Lieutenant Sainz. In 1887 occurred the stirring trial of the "componte," occasioned by the application of torture to the brothers Aruca, and within a few days were recorded in the neighborhood of Havana the cases of Señor Riveron, who was stabbed in Govea by individuals of the public force; of Don Manuel Martínez Moran and Don Francisco Galañena, who were beaten, the former in Calabazar, and the latter in Yaguajay; of Don José Felipe Canosa, who narrowly escaped being murdered in San Nicolas, and of a resident of Ceiba Mocha, whom the civil guard drove from his home.

This was far from the worst. In the very center of Havana, in the Camp de Marte, a prisoner was killed by his guards, and the shooting at Amarillas and the murders at Puentes Grandes and Alquizar are deeds of woful fame in the country. The administration of General Prendergast has left a sorrowful recollection for the frequency with which prisoners who attempted to escape were shot down.

While the armed police force were beating and murdering peaceful inhabitants, the highwaymen were allowed to escape unscathed to devastate the country at their pleasure. Although three millions are assigned in the budget to the service of public safety, there are districts, such as the Province of Puerto Príncipe, where its inhabitants have had to arm themselves and undertake the pursuit of the bandits. The case has occurred of an army of 5,000 or 6,000 troops being sent to pursue a handful of highwaymen within a small territory without succeeding in capturing them. Meanwhile a special bureau was established in Havana for the prosecution of highwaymen, and fabulous sums were spent by it. The best the Government succeeded in doing was to bargain with a bandit, and deceive and kill him afterwards on board the steamer *Baldomero Iglesias* in the bay of Havana.

Nevertheless, the existence of highwaymen has served as a pretext to curtail the jurisdiction of the ordinary courts and submit the Cubans to the jurisdiction of the courts-martial, contrary to the constitution of the state, which had already been proclaimed. In fact, the code of military laws (codigo de justicia militar) provides that the offenses against persons and the means of transportation, as well as arson, when committed in the provinces of ultramar (the colonies) and the possessions of Africa and Oceanica, be tried by court-martial.

It is true, however, than an explicit legal text was not necessary for the Government to nullify the precepts of the constitution. This was promulgated in Cuba, with a preamble providing that the Governor-General and his delegates should retain the same powers they had before its promulgation. The banishment of Cubans have continued after as before said promulgation. In December of 1891 there was a strike of wharf laborers in the Province of Santa Clara. To end it the governor captured the strikers and banished them en masse to the Island of Pinos.

The deportations for political offenses have not been discontinued in Cuba, and although it is stated that no executions for political offenses have taken place since 1878, it is because the Government has resorted to the more simple expedient of assassination. General Polavieja has declared with utmost coolness that in December of 1880 he had 265 persons seized in Cuba, Palma, San Luis, Songo, Mantánamo, and Sagua de Tánamo, and transported the same day and at the same hour to the African Island of Fernando Po. At the close of the insurrection of 1879-80 it was a frequent occurrence for the Government to send to the penal colonies of Africa the Cubans who had capitulated. The treachery of which Gen. José Maceo was a victim carries us to the darkest times of the war of Flanders and the conquest of America.

Cuba recalls with horror the dreadful assassination of Brig. Gen. Arcadio Leyte Vidal, perpetrated in the Bay of Nipe in September of 1879. War had just broken

out anew in the eastern department. Brig. Gen. Leyte Vidal resided in Mayari, assured by the solemn promise of the Spanish commander in chief of that zone that he would not be molested. One month had not elapsed since the uprising, however, when having gone to Nipe, he was invited by the commander of the gunboat *Alarma* to take dinner on board. Leyte Vidal went on board the gunboat, but never returned. He was strangled in a boat by three sailors, and his corpse was cast into the sea. This villainous deed was committed in compliance with an order from the Spanish general, Polavieja. Francisco Leyte Vidal, a cousin to Arcadio, miraculously escaped the same tragic fate.

The mysterious deaths of Cubans who had capitulated long before have been frequent in Cuba. To one of these deaths was due the uprising of Tunas de Bayamo in 1879.

If the personal safety of the Cubans, in a period which the Spaniards would depict with brilliant colors, continues at the mercy of their rulers, who are aliens in the country both by birth and in ideas, have the Cubans' honor and property any better safeguard? Is the administration of justice good, or even endurable? The very idea of a lawsuit frightens every honest Cuban. Nobody trusts the honesty or independence of the judges. Despite the provisions of the constitution, without warrant and for indefinite time, imprisonments are most common in Cuba. The magistrates can tighten or loosen the elastic meshes of the judicial proceedings. They know well that if they curry favor with the Government they can do anything without incurring responsibility. They consider themselves, and without thinking it a disgrace, as mere political tools. The presidents and attorneys-general of the "audiencias" receive their instructions at the captain-general's office. Twice have the governors of Cuba aimed at establishing a special tribunal to deal with the offenses of the press, thereby undermining the constitution. Twice has this special tribunal been established. More than once has a straightforward and impartial judge been found to try a case in which the interests of influential people were involved. On such occasions the straightforward judge has been replaced by a special judge.

In a country where money is wastefully spent to support a civil and military bureaucracy the appropriation for the administration of justice does not reach \$500,000. On the other hand, the sales of stamped paper constitute a revenue of \$750,000. Thus the State derives a pecuniary profit from its administration of justice.

Is it, then, a wonder that the reforms that have been attempted by establishing lower and higher courts to take cognizance of criminal cases, and by introducing oral and public trials should not have contributed in the least to improve the administration of justice? Onerous services have been exacted from people without proper compensation as gratuitous services. The Government, so splendidly liberal when its own expenses are in question, haggles for the last cent when dealing with truly useful and reproductive services.

Is the Cuban compensated for his absolute deprivation of political power, the fiscal extortions, and the monstrous deficiencies of judicial administration by the material prosperity of his country? No man acquainted with the intimate relations which exist between the fiscal régime of a country and its economical system will believe that Cuba, crushed as it is, by unreasonable budgets and an enormous debt, can be rich. The income of Cuba in the most prosperous times has been calculated at \$80,000,000. The state, provincial, and municipal charges take much more than 40 per cent of this amount. This fact explains itself. We need not draw any inferences therefrom. Let us confine ourselves to casting a glance over the aspect presented by the agricultural, industrial, and real estate interests in Cuba at the beginning of the present year.

Despite the prodigious efforts made by private individuals to extend the cultivation of the sugar cane and to raise the sugar-making industry to the plane it has reached, both the colonists and the proprietors of the sugar plantations and the sugar mills (centrales) are on the brink of bankruptcy and ruin. In selling the output they knew that they would not get sufficient means to cover the cost of keeping and repairing their colonies and sugar mills. There is not a single agricultural bank in Cuba. The "hacendado" (planter, landowner) had to recur to usurious loans and to pay 18 and 20 per cent for the sums which they borrowed. Not long ago there existed in Havana the Spanish Bank, the Bank of Commerce, the Industrial Bank, the Bank of St. Joseph, the Bank of the Alliance, the Bank of Maritime Insurances, and the Savings Bank. Of these there remain to-day only the Spanish Bank, which has been converted into a vast State office, and the Bank of Commerce, which owes its existence to the railways and warehouses it possesses. None of these give any aid to the sugar industry.

The cigar-making industry, which was in such flourishing condition a short time ago, has fallen so low that fears are entertained that it may emigrate entirely from Cuba. The weekly *El Tabaco* came to the conclusion that the exportation of cigars from Cuba would cease entirely within six years. From 1889 to 1894 the exportation from the port of Havana had decreased by 116,200,000 cigars.

City real estate has fallen to one-half and in some cases to one-third the value it had before 1884. A building in Havana which was erected at a cost of \$600,000 was sold in 1893 for \$120,000.

Stocks and bonds tell the same story. Almost all of them are quoted in Havana with heavy discounts.

The cause of the ruin of Cuba, despite her sugar output of 1,000,000 tons and her vast tobacco fields, can be easily explained. Cuba does not capitalize, and it does not capitalize because the fiscal régime imposed upon the country does not permit it. The money derived from its large exportations does not return either in the form of importations of goods or of cash. It remains abroad to pay the interest of its huge debt, to cover the incessant remittances of funds by the Spaniards who hasten to send their earnings out of the country, to pay from our treasury the pensioners who live in Spain, and to meet the drafts forwarded by every mail from Cuba by the Spaniards as a tribute to their political patrons in the metropolis, and to help their families.

Cuba pays \$2,192,795 in pensions to those on the retired list and to superannuated officials not in service. Most of this money is exported. The first chapters of the Cuban budget imply the exportation of over \$10,600,000. Cuba pays a subsidy of \$471,836.68 to the Transatlantic Company. It would be impossible to calculate the amount of money taken out of Cuba by private individuals; but this constant exportation of capital signifies that nobody is contented in Cuba and that everybody mistrusts its future. The consequence is that notwithstanding the apparently favorable commercial balance exchange is constantly and to a high degree against Cuba.

On the other hand, if Cuba labors and strives to be on the same plane as its most progressive competitors, this is the work of her own people, who do not mind any sacrifices; but the Government cares little or nothing about securing to the country such means of furthering its development as are consigned in the budget under the head of "Fomento."

And now, at the outbreak of the present war, Spain finds that, although the appropriations consigned in our budgets since 1878 amount to nearly \$500,000,000, not a single military road has been built, no fortifications, no hospitals, and there is no material of war. The State has not provided even for its own defense. In view of this fact, nobody will be surprised to hear that a country 670 kilometers long, with an area of 118,833 square kilometers, has only 246 lineal kilometers of high roads, and these almost exclusively in the province of Havana. In that of Santiago de Cuba there are 9 kilometers; in Puerto Principe and Las Villas not a single one. Cuba has 3,506 kilometers of seashore and 54 ports; only 15 of these are open to commerce. In the labyrinth of keys, sand banks, and breakers adjacent to our coasts there are only 19 light-houses of all classes. Many of our ports, some of the best among them, are filling up. The coasting steamers can hardly pass the bars at the entrance of the ports of Nuevitas, Gibara, Baracoa, and Santiago de Cuba. Private parties have sometimes been willing to remedy these evils; but then the central administration has interfered, and after years of red tape things have remained worse than before. In the course of twenty-eight years only 139 kilometers of high-roads were built in Cuba; 2 first-class light-houses were erected, 3 of the second class, and 1 of the fourth class, 3 beacon lights and 2 port lights; 246 meters of wharf were built, and a few ports were superficially cleaned and their shoals marked. This was all. On the other hand, the department of public works consumes unlimited millions in salaries and in repairs.

The neglect of public hygiene in Cuba is proverbial. The technical commission sent by the United States to Havana to study the yellow fever declared that the port of the capital of Cuba, owing to the inconceivable filth, is a permanent source of infection, against which it is necessary to take precautions. There is in Havana, however a "junta de puerto" (board of port wardens) which collects dues and spends them with the same munificence as the other bureaucratic centers.

Does the Government favor us more in the matter of education? It will suffice to state that only \$182,000 are assigned to public instruction in our splendid budget. And it may be proved that the University of Havana is a source of pecuniary profit to the State. On the other hand, this institution is without laboratories, instruments, and even without water to carry on experiments. All the countries of America, excepting Bolivia, all of them, including Haiti, Jamaica, Trinidad, and Guadalupe, where the colored race predominates, spend a great deal more than the Cuban Government for the education of the people. On the other hand, only Chile spends as much as Cuba for the support of an army. In view of this it is easily explained why 76 per cent of such an intelligent and wide-awake people as that of Cuba can not read and write. The most necessary instruction among us, the technical and industrial, does not exist. The careers and professions most needed by modern civilization are not cultivated in Cuba. In order to become a topographer, a scientific agriculturist, an electrician, an industrial or mechanical engineer, a railroad or mining engineer, the Cuban has to go to a foreign country. The State in Cuba does not support a single public library.

Are the deficiencies of the Spanish régime compensated by the wisdom of its administration? Every time the Spanish Government has undertaken the solution of any of the great problems pending in Cuba it has only confused and made it worse. It has solved it blindly or yielded to the influence of those who were to profit by the change. It will be sufficient to recall the withdrawal from circulation of the bank notes, which proved to be a highly lucrative transaction for a few persons, but which only embarrassed and impaired the monetary circulation of the island. From one day to another the cost of living became 40 per cent dearer. The depreciated Spanish silver entered in circulation to drive out, as was natural, the "centen" (five-dollar gold coin) and make small transactions difficult. To reach these results the Spanish Government had transformed a debt on which it had no interest to pay into a debt bearing a high rate of interest. It is true that, in exchange, all the retail dealers whose votes it was desirable to keep derived very large profits from the operation. These dealers are, of course, Spaniards.

## IV.

In exchange for all that Spain withholds from us they say that it has given us liberties. This is a mockery. The liberties are written in the constitution but obliterated in its practical application. Before and after its promulgation the public press has been rigorously persecuted in Cuba. Many journalists, such as Señores Cepeda and López Briñas, have been banished from the country without the formality of a trial. In November of 1891 the writer Don Manuel A. Balmaseda was tried by court-martial for having published an editorial paragraph in *El Criterio Popular*, of Remedios, relative to the shooting of the medical students. The newspapers have been allowed to discuss public affairs theoretically; but the moment they denounce any abuse or the conduct of any official they feel the hand of their rulers laid upon them. The official organ of the home-rule party, *El País*, named before *El Triunfo*, has undergone more than one trial for having pointed in measured terms to some infractions of the law on the part of officials, naming the transgressors. In 1887 that periodical was subjected to criminal proceedings simply because it had stated that a son of the president of the Havana "audiencia" was holding a certain office contrary to law.

They say that in Cuba the people are at liberty to hold public meetings, but every time the inhabitants assemble, previous notification must be given to the authorities, and a functionary is appointed to be present, with power to suspend the meeting whenever he deems such a measure advisable. The meetings of the "Círculo de Trabajadores" (an association of workmen) were forbidden by the authorities under the pretext that the building where they were to be held was not sufficiently safe. Last year the members of the "Círculo de Hacendados" (association of planters) invited their fellow-members throughout the country to get up a great demonstration to demand a remedy which the critical state of their affairs required. The Government found means to prevent their meeting. One of the most significant events that have occurred in Cuba, and one which throws a flood of light upon its political régime, was the failure of the "Junta Magna" (an extraordinary meeting) projected by the "Círculo de Hacendados." This corporation solicited the cooperation of the "Sociedad Económica" and of the "Junta General de Comercio" to hold a meeting for the purpose of sending to the metropolis the complaints which the precarious situation of the country inspired. The work of preparation was already far advanced when a friend of the Government, Señor Rodríguez Correa, stated that the Governor-General looked with displeasure upon and forbade the holding of the great meeting. This was sufficient to frighten the "Círculo" and to secure the failure of the project. It is then evident that the inhabitants of Cuba can have meetings only when the Government thinks it advisable to permit them.

Against this political régime, which is a sarcasm and in which deception is added to the most absolute contempt for right, the Cubans have unceasingly protested since it was implanted in 1878. It would be difficult to enumerate the representations made in Spain, the protests voiced by the representatives of Cuba, the commissions that have crossed the ocean to try to impress upon the exploiters of Cuba what the fatal consequences of their obstinacy would be. The exasperation prevailing in the country was such that the "Junta Central" of the home-rule party issued in 1892 a manifesto in which it foreshadowed that the moment might shortly arrive when the country would resort to "extreme measures, the responsibility of which would fall on those who, led by arrogance and priding themselves on their power, hold prudence in contempt, worship force, and shield themselves with their impunity."

This manifesto, which foreboded the mournful hours of the present war, was unheeded by Spain, and not until a division took place in the Spanish party, which threatened to turn into an armed struggle, did the statesmen of Spain think that the moment had arrived to try a new farce, and to make a false show of reform in the administrative régime of Cuba. Then was Minister Maura's plan broached, to be modified before its birth by Minister Abarzuas.

This project, to which the Spaniards have endeavored to give capital importance in order to condemn the revolution as the work of impatience and anarchism, leaves intact the political régime of Cuba. It does not alter the electoral law. It does not curtail the power of the bureaucracy. It increases the power of the general Government. It leaves the same burdens upon the Cuban taxpayer, and does not give him the right to participate in the information of the budgets. The reform is confined to the changing of the council of administration (now in existence in the island, and the members of which are appointed by the Government) into a partially elective body. One-half of its members are to be appointed by the Government and the other half to be elected by the qualified electors—that is, who assessed and pay for a certain amount of taxes. The Governor-General has the right to veto all its resolutions and to suspend at will the elective members. This council is to make up a kind of special budget embracing the items included now in the general budget of Cuba under the head of "Fomento." The State reserves for itself all the rest. Thus the council can dispose of 2.75 per cent of the revenues of Cuba, while the Government distributes, as at present, 97.25 per cent for its expenses, in the form we have explained. The general budget will, as heretofore, be made up in Spain; the tariff laws will be enacted by Spain. The debt, militarism, and bureaucracy will continue to devour Cuba, and the Cubans will continue to be treated as a subjugated people. All power is to continue in the hands of the Spanish Government and its delegates in Cuba, and all the influence with the Spanish residents. This is the self-government which Spain has promised to Cuba, and which it is announcing to the world, in exchange for its colonial system. A far better form of government is enjoyed by the Bahama or the Turks islands.

The Cubans would have been wanting not only in self-respect but even in the instincts of self-preservation if they could have endured such a degrading and destructive régime. Their grievances are of such a nature that no people, no human community capable of valuing its honor and of aspiring to better its condition, could bear them without degrading and condemning itself to utter nullity and annihilation.

Spain denies to the Cubans all effective powers in their own country.

Spain condemns the Cubans to a political inferiority in the land where they are born.

Spain confiscates the product of the Cuban's labor without giving them in return either safety, prosperity, or education.

Spain has shown itself utterly incapable of governing Cuba.

Spain exploits, impoverishes, and demoralizes Cuba.

To maintain by force of arms this monstrous régime, which brings ruin on a country rich by nature and degrades a vigorous and intelligent population, a population filled with noble aspirations, is what Spain calls to defend its honor and preserve the prestige of its social functions as a civilizing power of America.

The Cubans, not in anger but in despair, have appealed to arms in order to defend their rights and to vindicate an eternal principle, a principle without which every community, however robust in appearance, is in danger—the principle of justice. Nobody has the right of oppression. Spain oppresses us. In rebelling against oppression we defend a right. In serving our own cause we serve the cause of mankind.

We have not counted the number of our enemies; we have not measured their strength. We have cast up the account of our grievances; we have weighed the mass of injustice that crushes us, and with uplifted hearts we have risen to seek redress and to uphold our rights. We may find ruin and death a few steps ahead. So be it. We do our duty. If the world is indifferent to our cause, so much the worse for all. A new iniquity shall have been consummated. The principle of human solidarity shall have suffered a defeat. The sum of good existing in the world, and which the world needs to purify its moral atmosphere, shall have been lessened.

The people of Cuba require only liberty and independence to become a factor of prosperity and progress in the community of civilized nations. At present Cuba is a factor of intranquillity, disturbance, and ruin. The fault lies entirely with Spain. Cuba is not the offender; it is the defender of its rights. Let America, let the world decide where rest justice and right.

ENRIQUE JOSÉ VARONA,  
*Ex-Diputado a Cortes.*

NEW YORK, October 23, 1895.



## B.

COMPILATION OF THE LAWS, RULES, DECREES, CIRCULARS, AND OTHER ORDERS PASSED BY THE NATIONAL COUNCIL FROM THE 19TH OF SEPTEMBER, 1895, THE DATE ON WHICH IT COMMENCED TO EXERCISE ITS FUNCTIONS.

## MANGOS DE BARAGUA.

The National Council, in a meeting held on the 16th of October, 1895, resolved that the publication in book form in an edition of 500 copies of all the laws, rules, decrees, and other orders passed by it be printed after being previously approved by the Council and sanctioned by its president.

JOSÉ CLEMENTE VIVANCO,  
*The Secretary of the Council.*

## CONSTITUENT ASSEMBLY, REPUBLIC OF CUBA.

I, José Clemente Vivanco, secretary of the National Council and chancellor of the Republic of Cuba, certify that the representatives of the different army corps, into which the army of liberation is divided, met in constituent assembly on the 13th day of September, 1895, at Jimaguayú, agreed to have a preliminary session where the character of each representative would be accredited by the respective credential of his appointment. There resulted, after the proper examination by the chairman and secretaries, who were temporarily Citizens Salvador Cisneros Betancourt and Secretaries José Clemente Vivanco and Orenco Nodarse, the following distribution:

Representatives of the First Army Corps, Citizens Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, Rafael M. Portuondo, and Pedro Aguilera.

For the Second, Citizens Licentiate Rafael Manduley, Enrique Ceepedes, Rafael Perez Morales, and Marcos Padilla.

For the Third, Citizens Salvador Cisneros Betancourt, Lopez Recio Loinaz, Enrique Loinaz del Castillo, and Dr. Fermín Valdes Domínguez.

For the Fourth, Licentiate Severo Pina, Dr. Santiago García Canizares, Raimundo Sanchez Valdivia, and Francisco Lopez Leiba.

For the Fifth, Dr. Pedro Pinan de Villegas, Licentiate José Clemente Vivanco, Francisco Diaz Silveria, and Orenco Nodarse.

They proceeded to the election of officers for the following session and the following appointments were made: Salvador Cisneros Betancourt, president; Rafael Manduley, vice-president; secretaries, Licentiate José Clemente Vivanco, Francisco Lopez Leiba, Licentiate Rafael M. Portuondo, and Orenco Nodarse.

The assembly having been organized as above, and in the presence of the above representatives, they proceeded to hold the sessions to discuss the constitution which is to rule the destinies of the Republic. These sessions took place on September 13, 14, 15, and 16, instant, and in all the articles which were to form the said constitutional charta were discussed. Every article of the projected constitution presented to the assembly by the representatives licentiate, Rafael M. Portuondo, Dr. Joaquin Castillo Duany, Mariano Sanchez Vaillant, and Pedro Aguilera, was well discussed, and, together with amendments, reforms, and additions were also discussed by the proposers. On deliberation, in conformity with the opinion of the assembly, it was unanimously resolved to refer the said constitution, with the resolutions of the said assembly, to a committee of revision of the text, composed of the secretaries and of the representatives, Dr. Santiago García, Canizares and Enrique, Loinaz del Castillo, who, after complying with their mission, returned the final draft of the constitution on the 16th. It was then read, and the signature of each and every representative subscribed.

The president and other members of the assembly, with due solemnity, then swore upon their honor to loyally and strictly observe the fundamental code of the Republic of Cuba, which was greeted by the spontaneous and enthusiastic acclamations of all present; in testimony of which are the minutes in the general archive of the Government.

In compliance with the resolution passed by this council in a meeting held to-day, and for its publication, I issue the following copy, in the Mangos de Baragua on the 18th of October, 1895.

JOSÉ CLEMENTE VIVANCO,  
*Secretary of the Council.*

## CONSTITUTION OF THE PROVISIONAL GOVERNMENT OF CUBA.

The revolution for the independence and creation in Cuba of a democratic Republic in its new period of war, initiated on February 24 last, solemnly declares the separation of Cuba from the Spanish monarchy, and its constitution as a free and independent State, with its own Government and supreme authority under the name of the Republic of Cuba and confirms its existence among the political divisions of the world.

The elected representatives of the revolution, in convention assembled, acting in its name and by the delegation which for that purpose has been conferred upon them by the Cubans in arms, and previously declaring before the country the purity of their thoughts, their freedom from violence, anger, or prejudice, and inspired only by the desire of interpreting the popular voice in favor of Cuba, have now formed a compact between Cuba and the world, pledging their honor for the fulfillment of said compact in the following articles of the constitution:

ARTICLE I. The supreme powers of the Republic shall be vested in a government council composed of a president, vice-president, and four secretaries of state, for the dispatch of the business of war, of the interior, of foreign affairs, and of the treasury.

ART. II. Every secretary shall have a subsecretary of state, in order to supply any vacancies.

ART. III. The government council shall have the following powers:

1. To dictate all measures relative to the civil and political life of the revolution.  
2. To impose and collect taxes, to contract public loans, to issue paper money, to invest the funds collected in the island, from whatever source, and also those which may be raised abroad by loan.

3. To arm vessels, to raise and maintain troops, to declare reprisals with respect to the enemy, and to ratify treaties.

4. To grant authority, when it is deemed convenient, to order the trial by the judicial power of the president or other members of the council, if he be accused

5. To decide all matters, of whatsoever description, which may be brought before them by any citizen, except those judicial in character.

6. To approve the law of military organization and the ordinances of the army, which may be proposed by the general in chief.

7. To grant military commissions from that of colonel upward, previously hearing and considering the reports of the immediate superior officer and of the general in chief, and to designate the appointment of the latter and of the lieutenant-general in case of the vacancy of either.

8. To order the election of four representatives for each army corps whenever in conformity with this constitution it may be necessary to convene an assembly.

ART. IV. The Government council shall intervene in the direction of military operations only when in their judgment it shall be absolutely necessary to do so to realize high political ends.

ART. V. As a requisite for the validity of the decrees of the council, at least two-thirds of the members of the same must have taken part in the deliberations of the council, and the decrees must have been voted by the majority of those present.

ART. VI. The office of councilor is incompatible with any other of the Republic, and requires the age of twenty-five years.

ART. VII. The executive power is vested in the president, and, in case of disability, in the vice-president.

ART. VIII. The resolutions of the government council shall be sanctioned and promulgated by the president, who shall take all necessary steps for their execution within ten days.

ART. IX. The president may enter into treaties with the ratification of the government council.

ART. X. The president shall receive all diplomatic representatives and issue the respective commissions to the public functionaries.

ART. XI. The treaty of peace with Spain, which must necessarily have for its basis the absolute independence of the Island of Cuba, must be ratified by the government council and by an assembly of representatives convened expressly for this purpose.

ART. XII. The vice-president shall substitute the president in the case of a vacancy.

ART. XIII. In case of the vacancy in the offices of both president and vice-president on account of resignation, deposition, or death of both, or from any other cause, an assembly of representatives for the election to the vacant offices shall be convened, the senior secretaries in the meanwhile occupying the positions.

ART. XIV. The secretaries shall have voice and vote in the deliberations of resolutions of whatever nature.

ART. XV. The secretaries shall have the right to appoint all the employees of their respective offices.

ART. XVI. The subsecretaries in cases of vacancy shall substitute the secretaries of state and shall then have voice and vote in the deliberations.

**ART. XVII.** All the armed forces of the Republic and the direction of the military operations shall be under the control of the general in chief, who shall have under his orders as second in command a lieutenant-general, who will substitute him in case of vacancy.

**ART. XVIII.** All public functionaries of whatever class shall aid one another in the execution of the resolutions of the government council.

**ART. XIX.** All Cubans are bound to serve the revolution with their persons and interests, each one according to his ability.

**ART. XX.** The plantations and property of whatever description belonging to foreigners are subject to the payment of taxes for the revolution while their respective governments do not recognize the rights of belligerency of Cuba.

**ART. XXI.** All debts and obligations contracted since the beginning of the present period of war until the promulgation of this constitution by the chiefs of the army corps, for the benefit of the revolution, shall be valid as well as those which henceforth the government council may contract.

**ART. XXII.** A government council may depose any of its members for cause justifiable in the judgment of two-thirds of the councilors and shall report to the first assembly convening.

**ART. XXIII.** The judicial power shall act with entire independence of all the others. Its organization and regulation will be provided for by the government council.

**ART. XXIV.** The present constitution shall be in force in Cuba for two years from the date of its promulgation, unless the war for independence shall terminate before. After the expiration of the two years an assembly of representatives shall be convened which may modify it, and will proceed to the election of a new government council, and which will pass upon the last council. So it has been agreed upon and resolved in the name of the Republic by the constituent assembly in Jimaguayu on the 18th day of September, 1895, and in witness thereof we, the representatives delegated by the Cuban people in arms, signed the present instrument. Salvador Cisneros, president; Rafael Manduley, vice-president; Pedro Pinan de Villegas, Lope Recio, Fermin Valdes Dominguez, Francisco Diaz Silveira, Dr. Santiago Garcia, Rafael Perez, F. Lopez Leyva, Enrique Cespedes, Marcos Padilla, Raimundo Sanchez, J. D. Castillo, Mariano Sanchez, Pedro Aguilera, Rafael M. Pontuondo, Orencio Nodarse, José Clemente Vivanco, Enrique Loynaz Del Castillo, Severo Pina.

#### ELECTION OF GOVERNMENT.

The constituent assembly met again on the 18th of the said month and year, all the said representatives being present. They proceeded to the election of members who are to occupy the offices of the Government council, the general-in-chief of the army of liberation, the lieutenant-general, and the diplomatic agent abroad. The secret voting commenced, each representative depositing his ballot in the urn placed on the chairman's table, after which the count was proceeded with, the following being the result:

President: Salvador Cisneros, 12; Bartolome Maso, 8.

Vice-president: Bartolome Maso, 12; Salvador Cisneros, 8.

Secretary of war: Carlos Roloff, 18; Lope Recio Loinez, 1; Rafael Manduley, 1.

Secretary of the treasury: Severo Pina, 19; Rafael Manduley, 1.

Secretary of the interior: Dr. Santiago Garcia Canizares, 19; Carlos Dubois, 1.

Secretary of the foreign relations: Rafael Portuondo, 18; Armando Menocal, 1, blank, 1.

Subsecretary of war: Mario Menocal, 18; Francisco Diaz Silveira, 1; blank, 1.

Subsecretary of the treasury: Dr. Joaquín Castillo, 7; Francisco Diaz Silveira, 5; José C. Vivanco, 3; Armando Menocal, 3; Carlos Dubois, 1; blank, 1.

Subsecretary of the interior: Carlos Dubois, 13; Orencio Nodarse, 5; Armando Menocal, 1; blank, 1.

Subsecretary of foreign relations: Fermin Valdes Dominguez, 18; Rafael Manduley, 1; blank, 1.

Therefore, the following were elected by a majority of votes:

President, Salvador Cisneros; vice-president, Bartolome Maso; secretary of war, Carlos Roloff; secretary of the treasury, Severo Pina; secretary of the interior, Dr. Santiago Garcia Canizares; secretary of foreign relations, Rafael M. Portuondo; subsecretary of war, Mario Menocal; subsecretary of the treasury, Dr. Joaquín Castillo; subsecretary of the interior, Carlos Dubois; subsecretary of foreign relations, Dr. Fermin Valdes Dominguez.

The vice-president of the assembly immediately installed the president in the office of the government council that had been conferred upon him; the latter in turn installed those of the other members elected, who were present, all entering on the full exercise of their functions after previously taking the oath.

On proceeding to the election of those who were to occupy the positions of general in chief of the army, lieutenant-general, and diplomatic agent abroad, the

following citizens were unanimously elected by the assembly for the respective places: Major-General Maximo Gomez, Major-General Antonio Maceo, and Citizen Tomas Estrada Palma. All these appointments being recognized from that moment.

LAWS FOR THE CIVIL GOVERNMENT AND ADMINISTRATION OF THE REPUBLIC.

CHAPTER I.—TERRITORIAL DIVISION.

ARTICLE I. The Republic of Cuba comprises the territory occupied by the Island of Cuba from Cape San Antonio to Point Maisi and the adjacent islands and keys.

ART. II. This territory shall be divided into four portions, or states, which will be called Oriente, Camaguey, Las Villas or Cabanacan, and Occidente.

ART. III. The State of Oriente includes the territory from the Point Maisi to Port Manati and the river Jobabo in all its course.

ART. IV. The State of Camaguey includes all the territory from the boundary of Oriente to the line which starts in the north from Laguna Blanca through the Esteros to Moron, passing by Ciego de Avila, follows the military trocha to El Jucaro in the southern coast, it being understood that the towns of Moron and Ciego de Avila belong to this State.

ART. V. The State of Las Villas has for boundary on the east Camaguey, on the west the river Palmas, Palmillas, Santa Rosa, Rodas, the Hannabana River, and the bay of Cochinos.

ART. VI. The State of Occidente is bordered on the Las Villas, extending to the west to Cape San Antonio.

ART. VII. The islands and adjacent keys will form part of the states to which they geographically belong.

ART. VIII. The State of Oriente will be divided into ten districts, which shall be as follows: Baracoa, Guantanamo, Sagua de Tanamo, Mayari, Santiago, Jiguani, Manzanillo, Bayamo, and Tunas.

Camaguey comprises two—the eastern district and the western district.

Las Villas comprises seven—Sancti-Espiritus, Trinidad, Remedios, Santa Clara, Sagua, Cienfuegos, and Colon.

That of Occidente comprises sixteen—Cardenas, Matanzas, Union, Jarnco, Guines, Santa Maria del Rosario, Guanabacoa, Habana, Santiago de las Vegas, Bejucal, San Antonio, Bahia Honda, Pina del Rio, and Mantua.

ART. IX. Each of these districts will be divided into prefectures, and these in their turn into as many subprefectures as may be considered necessary.

ART. X. For the vigilance of the coasts there will be inspectors and watchmen appointed in each State according to the extent of the coasts and the number of ports, bays, gulfs, and salt works that there may be.

ART. XI. On establishing the limits of the districts and prefectures, the direction of the coast, rivers, and other natural boundaries shall be kept in mind.

CHAPTER II.—OF THE GOVERNMENT AND ITS ADMINISTRATION.

ART. XII. The civil government, the administration, and the service of communications devolve upon the department of the interior.

ART. XIII. The secretary of the interior is the head of the department; he will appoint the employees and will remove them whenever there will be justifiable cause, and will have a department chief to aid him in the work of the department.

ART. XIV. The department chief will keep the books of the department, take care of the archives, will be the manager of the office, and will furnish certifications when requested to do so.

ART. XV. The department of the interior will compile from the data collected by the civil governors the general statistics of the Republic.

ART. XVI. The civil governor will inform the department of the interior as to the necessities of his state, will order the measures and instructions necessary for compliance with the general laws of the Republic and the orders given by that department, will distribute to the lieutenant-governors the articles of prime necessity which will be delivered to them for that purpose, will communicate to his subordinates the necessary instructions for the compilation of statistics, and will have a subsecretary who will help him in the discharge of his functions.

ART. XVII. The lieutenant-governor will see that the orders of the governors are obeyed in the district, and will have the powers incident to his position as intermediary between the civil governors and the prefects. In case of absolute breach of communication with the civil governors, they will have the same powers as the latter.

ART. XVIII. The prefect shall see that the laws and regulations communicated to him by his superior authorities are complied with. All residents and travelers are under his authority, and, being the highest official in his territory, he in his turn is bound to prevent all abuses and crimes which may be committed.

He will inform the lieutenant-governor as to the necessities of the prefecture; will divide these into as many subprefectures as he may consider necessary for the good conduct of his administration; he will watch the conduct of the subprefects; he will distribute among them with equity the articles delivered to him, and he will have all the other powers incident to him in his character of intermediary between the lieutenant-governor and the subprefects.

ART. XIX. The prefect will also have the following duties: He will harass the enemy whenever possible for him to do so; will hear the preliminary information as to crimes and misdemeanors which may be committed in his territory, passing the said information to the nearest military chief, together with the accused and all that is necessary for the better understanding of the hearing. He will not proceed thus with spies, guides, couriers, and others who are declared by our laws as traitors and considered as such, for these, on account of the difficulty of confining them or conducting them with security, shall be tried as soon as captured by a court consisting of three persons, the most capable in his judgment in the prefecture, one acting as president and the others as members of the court. He will also appoint a prosecuting officer, and the accused may appoint some one to defend him at his pleasure.

After the court is assembled in this form, and after all the formalities are complied with, it will in private judge and give its sentence, which will be final and without appeal; but those who form the said court and who do not proceed according to our laws and to natural reason will be held responsible by the superior government. Nevertheless, if in the immediate territory there be any armed force, the accused shall be sent to it with the facts in order that they shall be properly tried.

The prefects will take the statistics of his prefecture, setting down every person who is found therein, noting if he is the head of a family, the number of the same, his age, his nationality and occupation, if he is a farmer the nature of his farm, and if he has no occupation the prefect will indicate in what he should be employed. He will also keep a book of civil register in which he will set down the births, deaths, and marriages which may occur.

He will establish in the prefecture all the factories that he can or may consider necessary in order to well provide the army, as it is the primary obligation of all employees of the Republic to do all possible so that the hides shall not be lost, and organizing in the best manner, and as quickly as may be, tanneries, factories of shoes, rope, blankets, and carpenter and blacksmith shops.

He will not permit any individual of his district to be without occupation. He will see that everyone works, having the instruments of labor at hand in proportion to the inhabitants of his territory. He will protect and raise bees, he will take care of abandoned farms, and will extend as far as possible the zones of agriculture.

As soon as the prefect learns that the secretary of the interior or any delegate of this authority is in his district he will place himself under the latter's orders. This he will also do on the arrival of armed forces, presenting himself to their chief in order to facilitate the needed supplies and to serve him in every possible manner. He will have a bugle to warn the inhabitants of the enemy's approach; he will inform the nearest armed force when his territory is invaded. He will collect all horses and other animals suitable for the war and lead them to a secure place, so that when the army may need them or they may be required by the civil authorities to whom they may appertain.

He will provide the forces that may be, or pass through his territory with whatever they may need, which may be within his power, and especially shall he provide guides and beaves and vegetables which the chief may require to maintain the said forces. He will also deliver the articles manufactured in the shops under his immediate inspection, demanding always the proper receipts therefor.

He will also provide the necessary means for the maintenance of all the families of the territory, especially those of the soldiers of the army of liberation.

Until otherwise decreed he will celebrate civil marriages and other contracts entered into by the residents of his prefecture; he will act in cases of ordinary complaints and in the execution of powers and wills, registering the same in a clear and definite manner, and issuing to the interested parties the certificates which they may require.

ART. XX. The subprefects will see that the laws and orders communicated to him by his superior authorities are obeyed in territory under his command; he will inform the prefect as to the necessities of the subprefecture and will see to the security and order of the public; arresting and sending to the prefects those who may travel without safe-conduct, seeing that no violation of law whatsoever is perpetrated, and will demand the signed authority of the civil or military chief who has ordered a commission to be executed.

ART. XXI. The subprefects will compile a census in which the number of inhabitants of a subprefecture will be stated and their personal description; he will keep a book of the births and deaths which will occur in his territory, and of all this he will give account at the end of the year. He will invest the means provided by the prefect to pay the public charges, and if the said resources are insufficient he will

collect the deficit from the inhabitants; he will not authorize the destruction of abandoned farms, whether they belong to friends or enemies of the Republic, and he will inform the prefect of the farms which are thus abandoned.

ART. XXII. For the organization and better operation of the states manufactories a chief of factories shall be appointed in each district, who will be authorized to establish such factories which he may deem convenient, employing all citizens who, on account of their abilities can serve, and collecting in the prefectures of his district all the instruments he can utilize in his work. These chiefs will be careful to frequently inspect the factories, to report any defects which they may notice, and to provide the superintendents with whatever they may need, that the work may not be interrupted.

Together with the prefect he will send to the department of the interior the names of the individuals he considers most adapted to open new shops, and on the first day of each month he will send to that department a statement of the objects manufactured in each shop of his district, indicating the place of manufacture, what remains on deposit, what has been delivered, with the names of commanders of forces, civil authorities, or individuals to whom they were delivered.

ART. XXIII. The coast inspectors will have under their immediate orders an inspector, who will be his secretary, who will occupy his place in his absence or sickness, and as many auxiliaries as he may deem convenient. He may demand the aid of the prefects and armed forces whenever he may consider it necessary for the better exercise of his functions. The duties of the inspectors will be to watch the coasts and prevent the landing of the enemy, to be always ready to receive disembarkments and place in safety the expeditions which may come from abroad, to establish all the salt works possible, to capture the Spanish vessels which frequent the coasts on his guard, and to attend with special care to the punctual service of communications between his coast and foreign countries.

ART. XXIV. The coast guards will acknowledge the inspector as their superior, will watch the places designated to them, and will execute the orders given.

ART. XXV. The lieutenant-governors, as well as the inspectors of whatever class, will have their residence, wherever the necessity of their office does not prohibit it, in the general headquarters, so that they can move easily, furnish the necessary aid to the army, and carry out the orders of the military chief.

Country and liberty.

OCTOBER 17, 1895.

The secretary of the interior, Dr. Santiago Garcia Canizares, being satisfied with the preceding law, I sanction it in all respects.

Let it be promulgated in the legal form.

SALVADOR CISNEROS BETANCOURT,  
*The President.*

OCTOBER 18, 1895.

#### LAW OF CIVIL MARRIAGE.

ARTICLE I. Males of 18 years of age and females of 14 can contract marriage.

ART. II. To contract marriage they must go to the notary of their residence, two witnesses being present who will sign the contract with the parties and the notary.

ART. III. The marriage contract may contain any agreement or convention which the contracting parties may agree upon and which is not opposed to the nature of the contract nor to law.

ART. IV. If one of the contracting parties is less than 20 years of age, the marriage can be contracted with notice to the father, the mother, or the guardian, according to the circumstances, and if these oppose the celebration of the marriage, the judge of the district, with knowledge of the facts, will decide the question.

ART. V. The following reason will prevent marriage: Consanguinity in the direct line. In the collateral, brother and sister can not marry; it is null by the relationship in said degrees, or by being contracted by fraud or by force. It is completely dissolved for incompatibility by a chronic and contagious disease, or one which will cause impotency, and by adultery; moral or physical ill treatment of the wife gives to the wife the right to demand from the husband, when they live apart, to bear the expenses of the marriage; if the woman commits adultery she loses this right.

ART. VI. In case of separation, the male children of 14 years of age and upward and female children of 12 and upward may elect between their parents as to residence. Those less than 3 years of age must remain with the mother. Those who have not yet reached the age of puberty, but are older than 3 years, remain with the parent who has not given the motive for the separation. This is in case that the separation is caused by some guilt. If it occurs on account of sickness, the children will remain with the one who did not desire the separation. If the separation is on account of incompatibility, the parents must agree as to this

point. On reaching the age of 3 years, the children who until then have been with the mother, the question of their custody will be governed by the other provisions of this article.

When the male reaches the age of 14 and the female of 12, whatever may have been their previous residence, they may alter it.

ART. VII. Marriage being once dissolved, the parties may remarry, but the woman shall not do so until twelve months have elapsed, in order to avoid confusion of paternity.

ART. VIII. Civil marriage is placed on an equal footing, as to duty and effects, with that recognized by our former legislation, and celebrated by the intervention of the church.

ART. IX. The promise of marriage does not have any other result than that of the payment of the penalty, which must be stipulated by the contracting party. If no penalty is stipulated, no duty of payment is incurred.

ART. X. The seduction of a female, whether she be a minor or not, obliges the seductor to marry the seduced or to pay a penalty in proportion to the fortune of both, which the judge of the district must determine.

Country and liberty.

PROVIDENCIA, September 25, 1895.

GARCIA CANIZARES.

*Secretary of the Interior:*

Let the foregoing be promulgated in the legal form, it having my sanction.

Providencia, September 25, 1895.

SALVADOR CISNEBOS BETANCOURT,  
*President.*

#### CIVIL MARRIAGE.

*Instructions which must be observed by the prefects of the Republic of Cuba in the celebration of civil marriage, exercising the function which is given them by the provisional law passed by the Government Council on the 25th of September, 1895.*

ARTICLE I. The prefect of the residence of the wife, who is the only one competent to celebrate the marriage, will demand of the parties a copy of their certificate of birth, so that they can prove their marriageable age, which of the male is 18 years and of the female 14 years.

ART. II. If either of the contracting parties should not have that document, by the omission, suppression, or burning of the register, or for any other cause, this credential may be substituted by a certificate of the authorities as to the nationality or residence, in which certificate the cause of the absence of the original certificate shall be stated (after previous investigation and on information received as to its omission) the names of the parents, their civil status, and the year and month of the birth of the contracting parties.

ART. III. If it appears that the contracting parties are over 20 years of age the prefect will proceed to the celebration of the civil marriage without further requisite than to give it publicity, for which purpose he shall affix notices in the most frequented places of the prefecture.

ART. IV. But if either of the parties is less than 20 years of age the contract must not only be made public, as previously stated, but notice given to the father, the mother, or the guardian, so that if these oppose the marriage it may be suspended until, with a full knowledge of the facts, the question be decided by the judge, who must investigate, the prefect fixing a time for the opposing parties to establish and justify their position, which must not be longer than eight days.

ART. V. In all cases the prefect will demand from the contracting party their assurance of the consent of each other, or at least that of the bride, and of her ability to enter into the matrimonial contract, which requisite the prefect may omit if he himself possesses knowledge of the circumstances.

ART. VI. If there are no disabilities to the marriage the prefect will register in a book entitled Book of Civil Marriages Contracted in the Prefecture —, designating on the first page the year and making an index at the end in alphabetical order.

ART. VII. The contract will be formulated in the following terms:

"Formula of the marriage of persons of 20 years and upward:

"In the prefecture of — on the — day of 189—, before me, the prefect —, and before me, the undersigned secretary, there appeared — and —, of 20 years and upward, the former born and resident of —, son of (here the names of parents), and the latter born and resident of the prefecture —, daughter

(here the names of parents), who are known to the prefect and to myself, the secretary, or who, unknown, were presented to M. and P., who act as witnesses, who affirm that that they know them, or at least that they know her, and they so declare and affirm."

"The contracting parties thereupon say, in the presence of these witnesses and those to this instrument, A and B, called for that purpose, that of their own free will, and without any violence, they promised to marry civilly, which marriage they now celebrate, and they agree to live in complete harmony and conjugal union, and never to separate unless because of incompatibility, or for any of the other reasons allowed by law, declaring that this marriage is for the welfare and honor of both, and for their offspring, and as the laws and customs of good government require (here any agreement made between the contracting parties shall be inserted, besides the nuptial contract), and the register will thus end; and in order that this marriage shall be known, and always and in all cases have its legal force, the prefect orders the minutes of this contract to be drawn in the said terms, signing with the contracting parties, and the said witnesses (if they can write, and if they can not others, at their request, may do so), to all of which I, the secretary, certify."

**FORMULA FOR THE MARRIAGE OF THOSE LESS THAN TWENTY YEARS OF AGE.**

The beginning will be as in the above formula, adding that the contracting parties being minors, the father, mother, or guardian appeared, who declared their assent and signed (if they can write) the register, and if not, a person of their confidence whom they may select. The declaration as to register will be the same as in the preceding formula.

**FORMULA OF CIVIL MARRIAGE TO WHICH THERE IS OPPOSITION.**

After the preamble similar to the first formula in the register is declared, that the father, mother, or guardian whosoever has interposed before the competent authority, has dissented, declares the contract not to be proper, as he explains in the following declaration. As to the rest, the register will be as in the first formula to its conclusion.

But in case the father, mother, or guardian do not make any opposition, it shall be so declared in the register that the time fixed having passed and the person having the right to exercise this right having failed to do so, the marriage has been consummated.

NOTE.—Of every marriage there will be formed a file consisting of the copy of the register of birth, of the cedula, of the declaration of the opposition of father, mother, or guardian, and of the decree in which it shall be declared proper, or it is ordered that the marriage shall take place because they have not exercised that right, or because the party opposing has not complied with the law. This file shall be kept for future use.

Country and liberty.

GARCIA CANIZARES,  
*Secretary of the Interior.*

PROVIDENCIA, *September 25, 1896.*

Let the foregoing be promulgated in its legal form, as I sanction the foregoing law in all its parts.

SALVADOR CISNEROS BETANCOURT,  
*President.*

PROVIDENCIA, *September 25, 1896.*

**EXTRACT OF THE SESSIONS.**

[Republic of Cuba, Provisional Government, secretary of the council—José Clemente Vivanco, secretary of the Government Council and chancellor of the Republic.]

I certify that among the resolutions passed by this council, according to the minute book of the sessions, the following are to be found:

To give two months' time to the chiefs and officers of the last revolution to join the new army of liberation, so as to have their ranks recognized, and four months' time to those in foreign countries to place themselves in communication with the delegates. To allow the Cuban emigrants individual freedom in the nature of their contributions for the revolution. To permit the export of wooden blocks on payment of \$5 in gold as tax for each piece. To prohibit absolutely the export of corn and all forage; of cattle, pigs, horses; without allowing anything to enter the towns without the previous payment of taxes.



To prohibit absolutely also the introduction in the towns of all kinds of fruits and articles of commerce which may favor the said towns and indirectly the Government which we are fighting.

San Andres de la Rioja, October 9, 1895.  
(Signed)

JOSÉ CLEMENTE VIVANCO,  
*Secretary of the Council.*

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REGULATIONS FOR THE SERVICE OF COMMUNICATIONS.

ARTICLE 1. The secretary of the interior will be the postmaster-general of the whole island, and the civil governor the chief of his territory.

ART. 2. The postal service is established between the prefectures of the Republic and between the towns and prefectures near by.

ART. 3. In order to organize the postal service, an inspector will be named for each district; as many chiefs as there are post-offices, and as many couriers and auxiliaries as are necessary for each one.

ART. 4. The inspector is the superior chief in his district of the postal service; under his direction will be the postmasters, couriers, and auxiliaries. He shall organize the service by placing the post-offices in the most convenient places, so that the service shall be carried out with the greatest ease and with the greatest rapidity. He will employ the number of employees that are necessary. He will ask for their resignations whenever there is any justifiable cause for it. He will see that every one shall fulfill his duties, and shall name the hours when the couriers shall depart. He shall correct all defects that come under his notice, propose all modifications which he may think will give a better service, and give an account of all extraordinary services which his subalterns may render in order that they should be registered and rewarded.

ART. 5. The chiefs will reside in the post-office, from which they can not be absent during the appointed hours, and they are to act whenever possible as auxiliaries to the prefect's office. They will receive official and private correspondence, sign receipts for that delivered by mail carriers, setting down the hour of delivery, and they will deliver, under receipt in which they will also put down the time of departure, to the outgoing postman the mail matter in their hands, giving with it a memorandum stating the name of mail carried and the time of departure. They will also see that the post-offices are well attended and have in them the necessary number of horses required for the service, unless in cases where the service is carried on foot. They will report to the inspector the defects they may observe in the service, without forgetting the importance of their position.

ART. 6. The mail carriers will collect daily at the appointed hours, along the route marked out, without delaying on the way nor hurrying their horses except in urgent cases that will be pointed out by the chief. They will have a receipt for the correspondence delivered to them, and will receive in exchange for the receipt a signed memorandum stating what mail they carry; which memorandum they will present to the chief of postal department, so that he may sign it and declare that he has received them, and, after complying with this requisite, change it for a receipt which he will leave in the office of departure.

A great service will be done by the couriers, and for that reason men of known honesty and valor shall be chosen, who are capable of appreciating the service they render their country.

ART. 7. A mail service will be organized in every city occupied by the enemy, and will consist of as many chiefs and carriers as may be considered necessary.

ART. 8. The inspectors of mails will be the immediate superior officer of the service in the town of his residence, and will have under his command the postmasters and mail carriers, and they will exercise their functions in the same manner as the coast inspectors. They will have special care in the selection of employees and in keeping all possible secrecy to elude the vigilance of the enemy.

ART. 9. The postmasters will be considered as the chiefs of mail carriers and will act with the carriers, as the carriers with the drivers, always giving an account of any extra services rendered.

ART. 10. The mail carriers will have charge of receiving from the postmasters the mail matter and carry it out of the cities for delivery to the office of the nearest prefect. They will give and ask for receipts as the drivers and like these must be honest men, sharp and brave enough with courage to overcome the difficulties that may arise in the performance of their important and dangerous mission and worthy to occupy these positions of trust in which they can lend such valuable services to the sacred cause every Cuban is bound to defend.

ART. 11. The inspectors and postmasters will keep a book to record the appointments of employees and the services rendered by them and will make up their archives

with this book and circulars, communications, and official documents that they receive on the copies of those they may have to transmit.

Country and liberty, September, 1895.

Dr. SANITAGO GARCIA CANIZARES,  
*Secretary of the Interior.*

In conformity with the preceding regulations I sanction them in every part; and that it may govern and produce its corresponding effects have it published in the legal form.

Country and liberty.

Residence of the Executive in Limones, the 6th day of October, 1895.

SALVADOR CISNEROS, *President.*

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LAW FOR THE ORGANIZATION OF THE PUBLIC TREASURY.

ARTICLE I. All property of whatever description situated in the territory of the Republic comes under the jurisdiction of the secretary of the treasury; therefore this department shall take charge of articles of whatever description brought to this island by expeditions from abroad; this department also has the faculty of raising public loans and general taxes.

ART. II. The secretary of the treasury will be the superior chief of his department throughout the Island of Cuba, and through him the subaltern officers will receive the orders given by the council. The duties of the secretary will be to determine, on information of the collectors, the taxes which shall be paid in each state and the form in which they shall be collected, to nominate the employees of his department and to discharge them for justifiable cause. He will deliver to the chiefs of corps and civil governors the articles which he receives from abroad; he will give a receipt for the articles or sums of money which from any source whatever may be collected by the public treasury. He may trade with the merchandise belonging to the Republic; he may lease or sell whatever be convenient and will present an account every three months to the council of the funds belonging to the Republic.

ART. III. To facilitate the work of the treasury a chief of department will be appointed who will act as general comptroller, and in each State a collector and a secretary of the administration of the treasury, and for each district a delegate.

ART. IV. The chief of the department, or general comptroller, will have charge of the archives of the department, will keep the books in due form, and will take part in all the collections and disbursements which may occur.

ART. V. The collector will represent in each State the secretary of the treasury, he will give information as to the taxable property in his State, he will dictate the necessary measures to carry out the general orders communicated to him by the secretary of the treasury, he will collect by means of agents the taxes fixed upon, and he will send to the department as soon as possible the funds collected; nevertheless he may deliver the amounts he may deem necessary to the chiefs of the different army corps, who will give a receipt for them and justify their expenditure. The collectors will monthly send to the department a statement of their operation.

ART. VI. The secretary of the administration of the treasury will keep the archives of his respective State, will keep the books in due form, and will take part in the operations of the collector.

ART. VII. The delegates or agents will be the collectors of taxes in each district, and the commissioners will see that the orders of the collectors of the State are carried out. They may appoint auxiliaries whenever necessary, and are authorized to demand the aid of the prefects and armed forces for the better fulfillment of their commissions.

Country and liberty.

Canaster, October 16, 1895.

SEVERO PINA,  
*Secretary of the Treasury.*

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.

Country and liberty, October 18, 1895.

MANGOS DE BARAGUA.

SALVADOR CISNEROS BETANCOURT,  
*President.*

INSTRUCTIONS TO THE OFFICERS OF THE DEPARTMENT OF THE TREASURY OF THE  
REPUBLIC OF CUBA.

ARTICLE I. According to article 18 of the constitution and the decree of the general in chief of the 20th of September last, the military chiefs shall give the necessary aid to the officers of the treasury for the better fulfillment of their duties.

ART. II. With the aid of the armed forces, they will proceed to the destruction of those plantations, whatever be their nationality, which will refuse to pay the taxes decreed by the Government of the Republic.

ART. III. As a basis for the rate of tax, the production of the plantations shall serve as well as the price of their products, taking into consideration the expense of transportation.

ART. IV. The amount of the tax will be paid in advance in gold or in drafts on New York, Paris, or London in the form agreed upon.

ART. V. All kinds of traffic with the enemy is absolutely prohibited, only the following articles and products are allowed to be exported:

Coffee and cocoa, \$4 per hundredweight.

Wood in blocks, \$8 per thousand feet or \$3 apiece, as will best suit the interests of the Republic and the functionary authorizing the exportation.

Guana (a textile palm), \$4 per hundredweight.

Wax, \$4 per hundredweight.

Fattened steers, \$3 per head.

Cheese, \$2 per hundredweight.

In regard to mines, tobacco, and plantains for exportation, it is left to the judgment of the collector of the treasury.

ART. VI. The exportation of wood or guana (the latter until December 6) will only be permitted when worked or packed by individuals who are in the confidence of our authorities.

ART. VII. The exportation of cattle will only be allowed when, in the judgment of the authority, they run imminent risk of falling into the hands of the enemy.

ART. VIII. The collector of the treasury of each State may suspend, temporarily, the exportation of the products referred to in Article V, immediately giving an account of it to the secretary of the treasury for final adjudgment.

Sabanilla del Contra Maestre, October 24, 1895.

SEVERO PINA,  
*Secretary of the Treasury.*

In conformity with the previous law, I sanction it in all its parts. Let it be promulgated in legal form.

Sabanilla, October 25, 1895.

SALVADOR CISNEROS BETANCOURT,  
*President.*

EXTRACT OF THE SESSIONS OF THE GOVERNMENT COUNCIL, REPUBLIC OF CUBA.

Secretary of the Government José Clemente Vivanco, secretary of the Government Council and chancellor of the Republic, I certify that in the minute books of the sessions celebrated by this council the following resolutions are found:

SEPTEMBER 19, 1895.

To appoint a secretary of the Government and chancellor of the Republic, José Clemente Vivanco. To send the appointments of general in chief, lieutenant-general, and delegate plenipotentiary abroad to Maj. Gen. Maximo Gomez, Maj. Gen. Antonio Maceo, and Tomas Estrada Palma, respectively.

To appoint as civil governor of Camaguey, Dr. Oscar Primelles, and of Oriente, Rafael Manduley.

To complete the system of the division of the territory of the island into zones, and that the subsecretary of war, in the absence of the secretary, agree with the general in chief as to the organization of the army of liberation.

SEPTEMBER 20, 1895.

To give two months' time to the chief and officers of the past revolution to join the newly organized army of liberation, for the recognition of their grades, and four months' time to those outside of the island. That each secretary of state may name a chief of his department. To appoint as director of the treasury in Oriente Diego Palacios, and in Camaguey, Col. Lope Recio Loynas. That the secretary communicate with the general in chief so the latter may indorse the authorities, passes, and orders given by the Government and require all the forces of the army of liberation to respect and obey them.

To ask the general in chief for Capts. Francisco Garcia, Manuel Merrero, and Ensign Enrique Boza, as their services are needed by the Government. That the Cuban emigrations shall be at liberty as to the manner of contributing to the revolution.

To ask from abroad a copy of all the decrees passed by the government of the last revolution, and to order that in conformity with the minutes sent from here all documents shall be printed emanating from the Government as well as the constitution passed by the constituent assembly which shall be placed in our archives.

SEPTEMBER 24, 1895.

To publish a circular of the secretary of the interior, addressed to the prefects, subprefects, and other functionaries of civil order, recommending them to fulfill their respective duties.

To approve the order given by the general in chief as to the respect due peaceful families and their interests, excepting in cases of military necessity or on account of manifest or suspected treachery, and that the secretary of the interior address such communication to the civil governors advising them of this resolution.

To appoint chief of postal service for the eastern and western district of Camaguey, Manuel Manero, and Francisco Garcia, respectively, and to confirm the appointments of prefects temporarily made by the general in chief.

To ask the general in chief to order all the chiefs of army corps to send to the secretary of war a detailed account of the chiefs and officers under his orders, their record of service, the positions which they occupy, and their respective abilities.

To communicate to Maj. Gen. Carlos Roloff that his aides, Francisco Diaz Silveira and Orenco Nodarse remain with this Government.

SEPTEMBER 25, 1895.

To permit the export of wood in blocks after the payment of \$5 in gold for each block. To absolutely prohibit the sale of corn and all kinds of forage, cows, oxen, and horses, permitting only other animals to be taken within a radius of 6 leagues from the towns on a payment of the tax.

That through the secretary of the treasury a detailed statement of the tax-paying property shall be sent to the prefects and military chiefs.

To approve the provisional law of civil marriage passed June 4, 1869, by the Chamber of Representatives of the past revolution and to put it in force on motion of the secretary of the interior.

To approve and enforce the instructions as to said law, which were passed June 21, 1869, by the said chamber.

To confirm the appointment of inspectors of coasts and coast guards made previously by the general in chief.

OCTOBER 5, 1895.

That each secretary of state shall present to the council such projects of laws and regulations as shall be in force in their respective departments, and that the secretary of foreign relations, together with the subsecretary, the acting secretary of war, shall draw a project of criminal procedure for deliberation and approval by the council.

OCTOBER 6, 1895.

To absolutely prohibit the introduction in the towns of all articles of commerce which, favoring trade indirectly, aid the enemy's Government, and to confirm the appointment of the inspector of shops and prefectures in the district of Tunas to Citizen Luis Marti, provisionally given by the general in chief of the third division José M. Capote, on September 17, 1895.

OCTOBER 16, 1895.

That the secretary of the Government shall collect all the laws, rules, decrees, and all other orders of this council and an extract of the resolutions for publication in book form for an edition of 500 copies.

To approve the project of the law for the organization of the public treasury presented by the secretary of the treasury.

To approve the law for the civil government and administration of the Republic, presented by the secretary of the interior.

OCTOBER 21, 1895.

To send a communication to the chiefs of army corps; to send the secretary of the treasury a detailed account of all the contracts made by them since the beginning of the war, in order that in conformity with article 21 of the constitution they be approved.

To give military consideration to all civil functionaries, appointing for this purpose a commission composed of the secretary of the interior and the subsecretary of war, so that they may present a report as to the rules to be followed in this behalf.

OCTOBER 24, 1895.

To approve the project as to instructions of the officers of the public treasury presented by the secretary of the treasury.

To approve the report as to the military considerations to be enjoyed by the civil functionaries, presented by the secretary of the interior and the subsecretary of war, commissioned for this purpose at the last session, which is as follows:

The president of the Republic, that of general in chief of the army; the vice-president, and the secretaries of state, of major-generals.

The secretary of the council and chancellor, brigadier-general; the chiefs of departments of states, civil governors and collectors of the treasury, colonels; the lieutenant-governor, delegate of the treasury and the secretary of administration, of the treasury, majors; the prefects, the inspectors of shops, of coast and communication, that of captains; the subprefects, and ensigns.

All these considerations shall be enjoyed by them unless they have higher rank.

OCTOBER 25, 1895.

The following decree was approved:

ARTICLE I. No one can be punished by death, or by imprisonment or reprimand, without having been previously judged by court-martial.

ART. II. The factories, barns, houses, fruit trees, and useful wood trees will be respected by all the citizens of the Republic.

ART. III. Housebreaking and unjustifiable raids will be severely punished.

ART. IV. No citizen can be dispossessed from the house he occupies without justifiable motive.

ART. V. The forces on the march, detachments, or commissions will not occupy inhabited houses without the consent of their owners, unless the exigencies of the war require it or in extraordinary cases, when it will be justified by the officer who orders it.

And for the publication thereof in accordance with the resolution of the 16th instant, I publish the present compilation, which is a true copy of the originals, on file in the archives of my secretaryship.

Country and liberty.

Sabanilla, October 25, 1895.

JOSÉ CLEMENTE VIVANCO,  
*Secretary of the Council.*

There will soon be published the laws of organization and military ordinances drafted by the general in chief and approved by the council, which shall be joined to the present compilation, C.

[COAT OF ARMS OF CUBAN REPUBLIC.]

In the name of the Republic of Cuba by delegation of the Cuban people in arms. The constituent assembly resolved by acclamation on this day to confer on Tomas Estrada Palma, the diplomatic representative and agent abroad, the title of delegate plenipotentiary of the Republic of Cuba.

In witness whereof we have affixed our signatures in Jimaguayu on the 18th of September, 1895.

Salvador Cesneros, B., President; Rafael Manduley, Vice-President; Enrique Loinas del Castillo, Severo Pina, Fermin Valdes Dominguez, Rafael Perez Morales, Raimundo Sanchez, J. D. Castillo, Pedro Pinan de Villegas, Pedro Aguilera, Marcos Padilla, Rafael M. Portuondo, Dr. Santiago Garcia Canizares; Lope Recio, L.; Orancio Nodarse, secretary; Franco Diaz Silveira, Enrique Cespedes, Mariano Sanchez Vaillant, F. Lopez Leiva, secretary; José Clemente Vivanco, secretary.

## D.

### ARMY HEADQUARTERS AT CUMANAYAGUA.

Mr. ALFREDO REGO.

MY DEAR SIR: I had the pleasure to receive your polite note. I see by it the generosity of your heart, and I thank you, in the name of my superior officers, to whom I will communicate your humanitarian act.

I send the committee desired to bring back the prisoners. It takes this letter to you and is composed of Benito Mesa and Telesforo Ramirez. I beg you to give them the necessary aid, promising you that your men will be respected by this garrison.

Yours, truly,

(Signed.) JOSÉ BRETONES, *Lieutenant.*

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IN THE SENATE OF THE UNITED STATES.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RESPONSE TO

*Resolution of the Senate of March 24, 1896, requesting that the Senate be furnished with the correspondence of the Department of State between November 5, 1875, and the date of the pacification of Cuba in 1878, relating to the subject of mediation or intervention by the United States in the affairs of Cuba, transmitting report from the Secretary of State with such papers as seem to be called for by the resolution.*

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APRIL 15, 1896.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States:*

In response to the resolution of March 24, 1896, requesting that the Senate be furnished with the correspondence of the Department of State between November 5, 1875, and the date of the pacification of Cuba in 1878, relating to the subject of mediation or intervention by the United States in the affairs of that island, I transmit a report from the Secretary of State, forwarding such papers as seem to be called for by the resolution in question.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, April 15, 1896.

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The PRESIDENT:

In response to the resolution of the Senate of the United States dated March 24, 1896, reading as follows—

*Resolved*, That the President be requested, if in his opinion not incompatible with the public interest, to transmit to the Senate copies of all dispatches, notes, and telegrams in the Department of State, from and after the note from Secretary Fish to Mr. Cushing of November 5, 1875, and including that note, until the pacification of Cuba in 1878, which relate to mediation or intervention by the United States in the affairs of that island, together with all correspondence with foreign Governments relating to the same topic—

the undersigned, Secretary of State, has the honor to submit for transmission to the Senate, if deemed compatible with the public interest, copies of such papers on file in this Department as appear to be called for by the above resolution.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, April 15, 1896.

# CORRESPONDENCE.

## SPAIN.

*Mr. Fish to Mr. Cushing.*<sup>1</sup>

No. 266.]

DEPARTMENT OF STATE,  
Washington, November 5, 1875.

SIR: Pursuant to the intimation conveyed in my No. 242, I deem it necessary to recur to the general question of our relations with Spain, and to consider the progress which has been made in disposing of the outstanding questions which for some time past have seriously threatened the relations of the two countries.

At the time of your departure for Madrid, apart from the general question of the unsatisfactory condition of affairs in Cuba and the failure to suppress the revolution, several prominent questions remained unadjusted, the settlement of which was deemed necessary before any satisfactory relations with Spain could be established or maintained. Upon all of these you were instructed.

The most prominent among them were the questions arising from the embargo and confiscation of estates of American citizens in Cuba; those relating to the trial of American citizens in that island, in violation of treaty obligations, and the claims arising out of the capture of the *Virginus*, including the trial and punishment of General Burriel.

After the expiration of more than eighteen months, it seems advisable to examine what progress has been made and to consider our present relations with Spain.

In reference to the arbitrary seizure and withholding of the estates and property of citizens of the United States in Cuba, under proceedings of confiscation or embargo, so called, a separate instruction was addressed to you under date of February 6, prior to your departure for your post.

I referred therein to the general facts surrounding these cases, to the arbitrary action of the authorities, by which the property of American citizens had been seized in violation of treaty provisions, in the absence of judicial proceedings, without hearing, and under such circumstances as to call for vigorous protest and demands on behalf of this Government.

The general facts surrounding these cases are well known.

It is not pretended, so far as I am aware, that any legal justification for these wrongs has been attempted on the part of the authorities of Spain, or that these proceedings in Cuba are defended or upheld.

On the contrary, pursuant to the decree issued by the Government on the 12th of July, 1873, the illegality and indefensible character of these acts were admitted, and the embargoes were ordered to be removed and the property to be restored.

This decree was at first received in Cuba with calm indifference, not even published or adverted to, and the proceedings of the authorities were in no notable respect changed thereby.

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<sup>1</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session.

At the time of the visit of Señor Soler y Pla, minister of ultramar, the decree was in some instances recognized, and some insignificant steps taken, in individual cases, to comply therewith.

In general, however, it was claimed, either that incumbrances existed, making a compliance therewith impossible, or the delivery was offered burdened by leases or incumbrances, and coupled with unfair conditions or demands, or delivery was avoided, on the ground that particular property was confiscated, not embargoed. In fact, the decree was treated in general with supreme indifference.

You were informed that the President, while not disposed to question the willingness of the authorities in Spain to do justice to this Government and her citizens, expected that means would be found to compel the agents in Cuba to obey the orders of the supreme Government.

Such was the condition of the question at the date of your departure. Numbers of American citizens had at this time been deprived of their property, and were anxiously awaiting the performance of the promises and assurances which had been given by the Spanish Government. In spite of all the efforts which you have made, intelligent and energetic as they have been, no effectual result has been accomplished.

Immediately after you had entered on your duties, in your No. 24, under date of June 2, you reported a conversation with Mr. Ulloa, having reference to this question, and in your No. 39, of June 22, you advise the Department of a note addressed to the minister of state, calling attention to the particular cases of Mr. Criado and Mrs. Farres de Mora, and to the general question.

Although orders of disembargo had been issued, and as early as January, 1873, the then minister of state at Madrid had expressed surprise and regret at the continued delay in these particular cases, Mr. Ulloa informed you, under date of July 7, 1874, that the ministry was in want of information as to these cases, and that the information had been requested through the minister of the colonies. He added, however, that the Spanish Government proposed to adopt, with all possible dispatch, a general system with respect to pending embargoes, and that that important question would be set at rest in conformity with the true interpretation of the treaty of 1795, and with that respect which the Spanish Government had for its obligations.

These assurances were repeated to you by Mr. Ulloa (as reported in your No. 95, under date of September 7, 1874), and in your No. 153, dated November 23, it appears that similar statements were again made.

Nevertheless, with all these cases long since brought to the attention of the Spanish Government, with the case of Mrs. Farres de Mora before the minister of state, in connection with that of Mr. Criado, Mr. Ulloa took occasion to reply in the case of Mr. Criado alone, as reported in your No. 195, to the effect that he was not a bona fide citizen of the United States, and thus to avoid the decision of the issue before him.

So far as this case was concerned, Mr. Criado was but one individual jointly interested with others in the decision of a principle, and because some flaw was supposed to have been found as to his right to claim the benefit of the general principle when decided, opportunity was taken to decline to make any decision on the principle itself. It is ascertained, however, not only that the claim that Mr. Criado is not a citizen is not well founded, but a trial of his claim before the mixed commission is progressing, and this question has not there been raised; but the advocate on the part of Spain is understood to have declared himself satisfied as to Mr. Criado's citizenship. The Spanish Govern-



ment thus avoiding the issue, you again argued the question in the cases of Mrs. Farres de Mora and Mr. Delgado, as reported in your No. 322.

Subsequent to this date, in several dispatches, viz, in your Nos. 387 442, 452, and 511 (the last being dated September 8 ultimo), and in several telegrams, you have reported the progress of a scheme of settlement, which it was thought was about to be accomplished, when a change in the cabinet suddenly displaced Mr. Castro.

Whether, had Mr. Oastro remained in office, a general order or decree would have been issued of the character referred to in your No. 511, it is of course impossible to say, and whether, if issued, it would have received a more respectful obedience than the prior orders on this question, must also remain unanswered.

However, you state that the question has been reopened, and as you inform me with some prospect of an adjustment. But no adjustment has yet been reached, and the general question has been pending for more than six years.

The kindred treaty question in reference to the trial of citizens of the United States in Cuba by court-martial and the arrest and punishment of our citizens without trial in that island in violation of the provisions of the treaty of 1795 is substantially in the same position. This Government, prior to your appointment, had unfortunately been compelled to interfere in behalf of its citizens on several occasions where the authorities in Cuba had entirely disregarded not only provisions of our treaty, but the rules of civilized warfare.

After your arrival at your post, you addressed the Government in reference thereto on various occasions, both in connection with the confiscation and embargo cases and separately.

The authorities of Spain have been loud in their denunciations of acts of cruelty when perpetrated by the Carlists, and while in some quarters martial law has been looked upon as the natural refuge of the mother country or her colonial authorities, when deemed necessary and convenient, still the same difficulty has occurred in inducing any minister of state to fairly meet the question, and either commit himself to a justification of such practices or to frankly admit that they were in violation of treaty obligations and public law and to provide a remedy.

It is true that in isolated cases, where the Spanish Government has been shown that insistence on trial by courts-martial implied a state of war in Cuba, which might lead to logical consequences, the authorities have admitted the justice of our position, as in the orders sent to the Captain-General in 1873, proposing the trial of the sailors of the bark *Union* by the ordinary tribunals, pursuant to the treaty of 1795, as referred to in my No. 246; but, in general, when these questions have been presented, the different ministers of state have contented themselves with expressing their intention to fairly respond, and the intention of Spain to perform all her treaty obligations. Notably among them you state, in your No. 195, that after having addressed Mr. Ulloa upon this question in Dockray's case he promised to meet the issue.

That promise remains unperformed, and although the late negotiations by which it was hoped some solution of these questions might be reached would have applied also to this question the matter remains undisposed of, and the authorities of Cuba are enabled upon convenient occasion, in obedience to supposed necessity, to again resort to such military tribunals or to punish without a trial.

This simple narration of facts as to these two questions, the promises made and repeated, the assurances given from time to time that some-

thing should be done, the admission of the justice of the demands of this country, at least to the extent of expressing regret for these wrongs and promising redress, followed as they have been by absolutely no performance and no practical steps whatever toward performance, need no extended comment.

In the cases of embargo and confiscation, not only have wrongs been long since done, but continuing and repeated wrongs are daily inflicted. The authorities of Spain in Cuba, during all this time, have been and are using the revenues of the confiscated or embargoed estates, appropriating much of the property itself, and in some cases executing long leases, or actually making sales, either on the allegation that taxes were due or without any excuse whatever.

In the cases of arrest and punishment, citizens of the United States, in like manner, have undergone punishment because the authorities of Spain do not meet the issue and decide the question.

Turning to the questions which arose from the capture of the *Virginus*, and the executions which followed, no extended reference is required.

The particulars of the delivery of the vessel to this Government, and the payment to both Great Britain and the United States of considerable sums as compensation for the acts of the authorities in ordering the execution of 53 of the passengers and crew under circumstances of peculiar brutality, have passed into history.

So far as a payment of money can atone for the execution of these unprotected prisoners, that has been accomplished.

The higher and more imperative duty which the Government of Spain assumed by the protocol of November 29, 1873, namely, to bring to justice General Burriel and the other principal offenders in this tragedy, has been evaded and entirely neglected.

Having made this neglect the subject of a separate instruction, under this date, I abstain from further reference thereto.

While I have no desire to detract from the settlement which was obtained, or to depreciate the action of Mr. Castro, the minister of state, in the payment of the indemnity, particularly as he seemed from the first presentation of the question to be impressed with the justice of the complaint, and to regard with natural aversion the acts which gave rise to it, it is but just, in considering the general course of the authorities in Spain toward this country, to refer to the long delay in reaching an adjustment, and principally to the fact that a basis of settlement was at last reached only after every delay had apparently been exhausted.

As you are aware, Mr. Ulloa, then minister of state, under date of August 18, 1874, and probably impelled by some pressing necessity, addressed the British chargé d'affaires at Madrid, substantially agreeing to settle the claim of Great Britain for the execution of the British subjects on board that vessel.

The equally strong, if not stronger, claim of the United States continued to be discussed in Madrid after the promise of settlement with Great Britain had been made, and information of this adjustment reached this Government a considerable time after its conclusion, and not through the authorities of Spain. Our settlement was only accomplished in the month of March following.

In doing exact justice it is but proper, however, to give Mr. Castro due credit for the payment of the amount finally agreed upon, without further controversy, and before the time stipulated for payment had expired.

In adverting to these delays and failures to meet our just demands on

the part of the authorities, I must express satisfaction with your patience and energy under these adverse circumstances, and particularly in beginning anew with each rapidly succeeding minister of state, and representing again and again these different questions. Progress in these matters has not been delayed from want of information from you, nor from lack of faithful and forcible presentation.

Having touched on these particular questions, which have lately been prominent as disturbing causes with Spain, it is necessary to also refer to the general condition of affairs in Cuba as affecting our relations with the mother country.

In my No. 2, of February 6, 1874 (the first instruction addressed to you on general matters pertaining to your mission), I referred at length to the views entertained by the President and to the position of this Government.

It was then more than five years since an organized insurrection had broken out which the Government of Spain had been entirely unable to suppress. At that time the firm conviction of the President was announced that whatever might be the vicissitudes of the struggle, and whatever efforts might be put forth by the Spanish power in Cuba, no doubt could be entertained that the final issue of the conflict would be to break the bonds which attached Cuba as a colony to Spain.

While remembering and observing the duties which this Government, as one of the family of nations, owes to another member, by public law, treaties, or the particular statutes of the United States, it would be idle to attempt to conceal the interest and sympathy with which Americans in the United States regard any attempt of a numerous people on this continent to be relieved of ties which hold them in the position of colonial subjection to a distant power, and to assume the independence and right of self-control which natural rights and the spirit of the age accord to them.

When, moreover, this struggle, in progress on our very borders, from its commencement has involved the property and interests of citizens of the United States, has disturbed our tranquillity and commerce, has called upon us not infrequently to witness barbarous violations of the rules of civilized warfare, and compelled us for the sake of humanity to raise our voice by way of protest; and when, more than all, we see in the contest the final struggle in this hemisphere between slavery and freedom, it would be strange indeed if the Government and people of this country failed at any time to take peculiar interest in the termination of such contest.

In this early instruction was expressed the sincere and unselfish hope of the President that the Government of Spain would seek some honorable and satisfactory adjustment, based upon emancipation and self-government, which would restore peace and afford a prospect of a return of prosperity to Cuba.

Almost two years have passed since those instructions were issued and those strong hopes expressed, and it would appear that the situation has in no respect improved.

The horrors of war have in no perceptible measure abated; the inconveniences and injuries which we then suffered have remained, and others have been added; the ravages of war have touched new parts of the island, and well-nigh ruined its financial and agricultural system and its relations to the commerce of the world. No effective steps have been taken to establish reforms or remedy abuses, and the effort to suppress the insurrection by force alone has been a complete failure.

In the meantime the material interests of trade and of commerce are

impaired to a degree which calls for remonstrance, if not for another line of conduct, on the part of all commercial nations.

Whether it be from the severity and inhumanity with which the effort has been made to suppress the insurrection, and from a supposed justification of retaliation for violations of the rules of civilized warfare by other violations and by acts of barbarism, of incendiarism, and outrage, the world is witnessing on the part of the insurgents, whom Spain still claims as subjects, and for whose acts, if subjects, Spain must be held accountable in the judgment of the world, a warfare, not of the legitimate strife of relative force and strength, but of pillage and incendiarism, the burning of estates and of sugar mills, the destruction of the means of production and of the wealth of the island.

The United States purchases more largely than any other people of the productions of the Island of Cuba, and therefore, more than any other for this reason, and still more by reason of its immediate neighborhood, is interested in the arrest of a system of wanton destruction which disgraces the age and affects every commercial people on the face of the globe.

Under these circumstances, and in view of the fact that Spain has rejected all suggestions of reform or offers of mediation made by this Government, and has refused all measures looking to a reconciliation, except on terms which make reconciliation an impossibility, the difficulty of the situation becomes increased.

When, however, in addition to these general causes of difficulty, we find the Spanish Government neglectful also of the obligations of treaties and solemn compacts and unwilling to afford any redress for long-continued and well-founded wrongs suffered by our citizens, it becomes a serious question how long such a condition of things can or should be allowed to exist, and compels us to inquire whether the point has not been reached where longer endurance ceases to be possible.

During all this time, and under these aggravated circumstances, this Government has not failed to perform her obligations to Spain as scrupulously as toward other nations.

In fact, it might be said that we have not only been long suffering, because of the embarrassments surrounding the Spanish Government, but particularly careful to give no occasion for complaint for the same reason.

I regret to say that the authorities of Spain have not at all times appreciated our intentions or our purposes in these respects, and, while insisting that a state of war does not exist in Cuba and that no rights as belligerents should be accorded to the insurrectionists, have at the same time demanded for themselves all the rights and privileges which flow from actual and acknowledged war.

It will be apparent that such a state of things can not continue. It is absolutely necessary to the maintenance of our relations with Spain, even on their present footing, that our just demands for the return to citizens of the United States of their estates in Cuba, unincumbered, and for securing to them a trial for offenses according to treaty provisions and all other rights guaranteed by treaty and by public law should be complied with.

Whether the Spanish Government, appreciating the forbearance of this country, will speedily and satisfactorily adjust the pending questions, not by the issue of empty orders or decrees without force or effect in Cuba, but by comprehensive and firm measures which shall everywhere be respected, I anxiously await further intelligence.

Moreover, apart from these particular questions, in the opinion of the

President the time has arrived when the interests of this country, the preservation of its commerce, and the instincts of humanity alike demand that some speedy and satisfactory ending be made of the strife that is devastating Cuba.

A disastrous conflict of more than seven years' duration has demonstrated the inability of Spain to maintain peace and order in an island lying at our door. Desolation and destruction of life and property have been the only results of this conflict.

The United States sympathizes in the fact that this inability results in a large degree from the unhappy condition of Spain at home and to some extent from the distractions which are dividing her people. But the fact remains. Added to this are the large expanse of ocean separating the peninsula from the island and the want of harmony and of personal sympathy between the inhabitants of the territory of the home government and those of the colony, the distinction of classes in the latter between rulers and subjects, the want of adaptation of the ancient colonial system of Spain to the present times and to the ideas which the events of the past age have impressed upon the peoples of every reading and thinking country.

Great Britain, wisely, has relaxed the old system of colonial dependence, and is reaping the benefits in the contentedness and peaceful prosecution of the arts of peace and in the channels of commerce and of industry, in colonies which under restraint might have questioned and resisted the power of control from a distant government and might have exhibited, as does Cuba, a chronic condition of insurrection, turbulence, and rebellion.

In addition to all this, it can not be questioned that the continued maintenance, in the face of decrees and enactments to the contrary, of a compulsory system of slave labor is a cause of disquiet and of excitement to a large class in the island, as also in the United States, which the Government of Spain has led us, by very distinct assurances, to expect should be removed, and which the enlightened Christianity of the age condemns.

The contest and disorder in Cuba affect the United States directly and injuriously by the presence in this country of partisans of the revolt who have fled hither (in consequence of the proximity of territory) as to a political asylum, and who, by their plottings, are disturbers of the public peace.

The United States has exerted itself to the utmost, for seven years, to repress unlawful acts on the part of these self-exiled subjects of Spain, relying on the promise of Spain to pacify the island. Seven years of strain on the powers of this Government to fulfill all that the most exacting demands of one Government can make, under any doctrine or claim of international obligation, upon another, have not witnessed the much hoped for pacification. The United States feels itself entitled to be relieved of this strain.

The severe measures, injurious to the United States and often in conflict with public law, which the colonial officers have taken to subdue the insurrection; the indifference, and oftentimes the offensive assaults upon the just susceptibilities of the people of the United States and their Government, which have characterized that portion of the peninsular population of Havana which has sustained and upheld, if it has not controlled, successive governors-general, and which have led to the disregard of orders and decrees which the more enlarged wisdom and the more friendly councils of the home Government had enacted; the cruelty and inhumanity which have characterized the contest, both on the part of

the colonial government and of the revolt, for seven years, and the destruction of valuable properties and industries by arson and pillage, which Spain appears unable, however desirous, to prevent and stop, in an island 3,000 miles distant from her shores, but lying within sight of our coast, with which trade and constant intercourse are unavoidable, are causes of annoyance and of injury to the United States, which a people can not be expected to tolerate without the assured prospect of their termination.

The United States has more than once been solicited by the insurgents to extend to them its aid, but has for years hitherto resisted such solicitation, and has endeavored by the tender of its good offices, in the way of mediation, advice, and remonstrance, to bring to an end a great evil, which has pressed sorely upon the interests both of the Government and of the people of the United States, as also upon the commercial interests of other nations.

A sincere friendship for Spain, and for her people, whether peninsular or insular, and an equally sincere reluctance to adopt any measures which might injure or humble the ancient ally of the United States, has characterized the conduct of this Government in every step during these sad and distressing years, and the President is still animated by the same feelings, and desires above all things to aid her and her people to enter once more upon the path of safety and repose.

It will be remembered that the President, in the year 1869, tendered the good offices of the United States for the purpose of bringing to a close the civil war in Cuba. This offer was made delicately, in good faith, and in friendship to both parties to the contest.

General Prim, as the representative of the Spanish Government, while recognizing the good faith and friendship with which this offer was made, replied :

We can better proceed in the present situation of things without even this friendly intervention. A time will come when the good offices of the United States will be not only useful but indispensable in the final arrangements between Spain and Cuba. We will ascertain the form in which they can be employed and confidently count upon your assistance.

The United States replied that its good offices for that object would be at any time at the service of the parties to the conflict. This Government has ever since been ready thus to aid in restoring peace and quiet.

The Government of the United States has heretofore given expression to no policy in reference to the insurrection in Cuba, because it has honestly and sincerely hoped that no declaration of policy on its part would be required.

The President feels that longer reticence would be inconsistent with the interests of both Governments.

Our relations with Spain are in that critical position that another seizure similar to that of the *Virginus*, other executions of citizens of the United States in Cuba, other wrongs of a less objectionable character even than many which have been already suffered by our citizens with simple remonstrance, or possibly even some new act of exceptional severity in Cuba, may suddenly produce a feeling and excitement which might force events which this Government anxiously desires to avoid.

The President hopes that Spain may spontaneously adopt measures looking to a reconciliation and to the speedy restoration of peace and the organization of a stable and satisfactory system of government in the Island of Cuba.

In the absence of any prospect of a termination of the war, or of any change in the manner in which it has been conducted on either side, he feels that the time is at hand when it may be the duty of other Governments to intervene, solely with a view of bringing to an end a disastrous and destructive conflict, and of restoring peace in the island of Cuba. No Government is more deeply interested in the order and peaceful administration of this island than is that of the United States, and none has suffered as has the United States from the condition which has obtained there during the past six or seven years. He will, therefore, feel it his duty at an early day to submit the subject in this light, and accompanied by an expression of the views above presented, for the consideration of Congress.

This conclusion is reached with reluctance and regret.

It is reached after every other expedient has been attempted and proved a failure, and in the firm conviction that the period has at last arrived when no other course remains for this Government.

It is believed to be a just and friendly act to frankly communicate this conclusion to the Spanish Government.

You will therefore take an early occasion thus to inform that Government.

In making the communication, it is the earnest desire of the President to impress upon the authorities of Spain the continued friendly disposition of this Government, and that it has no ulterior or selfish objects in view and no desire to become a party in the conflict, but is moved solely by the imperative necessities of a proper regard to its own protection and its own interests and the interests of humanity, and, as we firmly believe, in the ultimate interest of Spain itself.

In informing the Spanish Government of these conclusions pursuant hereto, you are authorized to read this instruction to the minister of state, or to state the substance and purport thereof, as you may deem most advisable.

You will, of course, keep me advised, by telegraph and by post, of your proceedings pursuant to this instruction.

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 267.]

DEPARTMENT OF STATE,  
Washington, November 5, 1875.

SIR: Herewith you will receive instruction No. 266, being a general review of our relations with Spain, and the announcement of certain conclusions of the President which you are therein instructed to communicate to the Government of Spain.

It has been deemed proper to send confidentially a copy of instruction No. 266 to General Schenck, the minister of the United States at London, with instructions to read the same to Lord Derby, and to suggest to the British Government that it would be agreeable to the United States, and in our opinion tend to the adjustment of the question of the pacification of Cuba, if not to the preservation of general peace, if the British Government would support by its influence the position assumed by this Government.

A copy of this instruction to General Schenck is herewith inclosed.

He has been instructed, as you will perceive, to notify the Department by telegraph of the result of this communication to Lord Derby.

Should it appear probable that the British Government will enforce the position of this Government, it may be wise to defer your interview with the minister of state until joint action can be agreed upon.

Should that Government hesitate or decline, you will be at once instructed to proceed to carry out the instructions contained in No. 266. In case the Government of Great Britain shall determine to support our position by its influence, proper instructions will doubtless be sent to its representative in Madrid to that effect.

As no great delay will be occasioned thereby, it is deemed better to postpone your action in communicating these conclusions until General Schenck shall have communicated the views of the British Government, by telegraph, to the Department, and telegraphic instructions can be sent you based thereon.

A copy of instruction No. 266 will also shortly be sent to all our diplomatic representatives, in confidence, for their information, and the ministers to the principal European courts will be instructed to communicate its purport to the Governments to which they are respectively accredited.

I am, sir, etc.,

HAMILTON FISH.

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, *November 25, 1875.*

Your Nos. 266 and 267 have been just received, but not 265.

You call for my opinion; I give it according to my best lights. If Great Britain cooperates, Spain will succumb, in sullen despair, to whatever terms the two Governments may jointly dictate; but if Great Britain refuses to cooperate, Spain will conclude that she has the sympathy of all European powers; more especially, as she thinks she has now gone, by her note of the 15th, to the ultimate point in satisfaction of each of the particular griefs of the United States.

In other words, there will be war, and a popular though desperate one on the part of Spain, unless she can be convinced that the real and true object of the contemplated measure is to prevent war, as I understand it to be intended. But to ward off war will exact the steady exercise of all my personal influence here (which my colleagues tell me is great), and will require that influence to be efficiently backed by my Government both here and at Washington.

I am here to "obey orders though it break owners," as the ship-masters say.

I earnestly beg you, therefore, in proportion as you desire peace, to address me specific and explicit replies in regard to certain most needful instructions which I shall ask for by telegram, provided a negative answer comes from Great Britain.

CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 684.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 25, 1875.*

SIR: I have received your dispatches Nos. 266 and 267. No. 265 has not yet come to hand.



My telegram of this date, as called for by you, communicates my impression of the probable effects of the contemplated measure.

Although what is most important in the question will reach you by that telegram long before the arrival of this dispatch, yet it may not be amiss to add here explanations on some less important, but closely related, points.

(1) *The military situation.*—Many of the most thoughtful men in Spain really long for a foreign war as the only efficient remedy for the domestic dissensions which now distract the country.

Moreover, the statesmen of the country foresee that on the close of the war in the North, which can not fail to come in the course of the winter or early in the spring, there will be an army of two or three hundred thousand men to dispose of, with its officers, who will be but too much disposed to dominate in public affairs and push the civilians into the background.

In addition to which, there is a multitude of unthoughtful men, proud, angry, resentful, who would gladly rush into a war with the United States.

Finally, there are the mercenary, the ambitious, the déclassés and the bad, to whom war presents the usual attractions. *Multis utile bellum*, says Sallust.

It is the received opinion in Spain that for the commencing period of a war she has a more efficient navy than ours.

In these circumstances, if Great Britain declines to cooperate with us, Spain will, at the least, despatch to Cuba at once a large fleet, laden with troops, there to await the eventualities of diplomacy; and she may break off relations, with a hostile appeal to the European Powers.

(2) *The diplomatic question.*—I profess that the contents of your No. 266, from page 40 and the words "In my No. 2" to the end, strike me as a most powerful and effective presentation of the general considerations inducing the proposed announcement of intervention.

I must frankly say, however (and the emergency demands frankness), that the previous contents of the dispatch, from page 1 to page 20, inclusive, do not strike me with equal force of themselves, either as to effect on the Spanish mind or on that of Europe, more especially as appearing here (although not written) after the delivery of the Spanish note of the 15th instant.<sup>1</sup> I almost wish it were less specific.

I should have made a practical suggestion in this respect by telegram but for the supposition that the contents will have been already communicated to Great Britain and other Governments of Europe.

I have no wish to exaggerate the results lately attained by me here. I can not but think, however, that the contents of the late Spanish note, if faithfully carried out in detail, as they certainly would be, go far toward satisfying the particular reclamations of the United States.

If, however, the terms of that note, coming in after your dispatch was written, tend to weaken the force of your argument, still it may, nevertheless, be serviceable to aid you in moderating the temper of Congress.

I have, etc.,

C. CUSHING.

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<sup>1</sup>The Spanish note to Mr. Cushing contained proposals for adjustment of existing differences between the United States and Spain. Its substance was telegraphed to Mr. Fish by Mr. Cushing November 16, 1875. It has no reference to mediation or intervention by the United States in the affairs of Cuba.

*Mr. Oushing to Mr. Fish.*

[Telegram.]

MADRID, *November 26, 1875.*

The response of England lingers. Time passes. I begin with questions for either alternative: First. I can not read your dispatch to the minister; he does not understand English. To state its substance to him orally would be doing extreme injustice to the dispatch.

In just such a case Mr. Canning refused to hear anything without a copy of the document. (Lawrence's Wheaton, seventh edition, p. 388.)

Why not give a copy to the Spanish minister?

Second. Will you authorize me, after the Spanish minister is informed, in whatever way, of the contents of the document, to talk to him as a friend and wellwisher regarding what, in my opinion, Spain ought to do and may honorably do in this emergency?

OUSHING.

*Mr. Oushing to Mr. Fish.*

No. 686.]

LEGATION OF THE UNITED STATES,

*Madrid, November 26, 1875.*

SIR: My dispatches of yesterday were prepared for the French courier; but as he does not depart until to-day, opportunity is afforded me of adding a supplement to my No. 684.

The finances of Spain are in a very bad condition, simply for want of credit in the stock markets of Europe.

Nevertheless, she is enabled to carry a large floating debt by loans on short time, say six months or a year, and to renew the bonds as they fall due by merely adding the interest to the mass of such floating debt.

But she has considerable resources in reserve for times and occasions of desperation.

First. The Bank of Spain possesses a large metallic fund which the Government could and would seize upon in such emergency, in imitation of what Great Britain did in the wars of the French Revolution.

Second. There is really much wealth in the country, and it would be drawn forth in a war with the United States. Patriotic gifts would come in, forced loans would be submitted to, and the domestic capitalists would more freely advance to the Government.

Third. Spain might recur to forms of credit, which all other nations resort to in the last necessity, as we ourselves did in the legal-tender act. The process would begin with indefinite issue of bills of the Bank of Spain in the whole country, instead of, as now, in the province of Madrid alone; and it would extend to the issue of treasury notes or certificates. To be sure, such action would speedily raise the price of gold, but not to a higher point than it reached with us in similar circumstances.

Meanwhile the augmented circulation would serve, as it did with us, to prompt new enterprises, and thus add to the actual productive resources of the country, not only in industries dependent on war, but in mines and in undeveloped agriculture, to the ultimate advantages of Spain.

The Spaniards are a people preeminently sober in food and drink, economical, and enduring under privations and hardships—as you may

infer from the wages of labor, which vary according to the quality from 2 to 3 or 4 pesetas a day, where, in the United States, similar labor would be reckoned at the same number of dollars. Hence, armies are contentedly supported here, and always have been, so cheaply as to constitute a real addition to the relative military resources of Spain. The contrast in this respect between Spanish and English soldiers struck the Duke of Wellington.

I note these facts as being material and important in the present question. That is, we must not confide in a deficiency of financial resources standing in the way if Spain be hard pushed and stirred up to make sacrifices in case of a war with the United States.

And the finances of Spain are not in a much worse condition than they were in the time of Charles V and his successors of the Austrian dynasty. Great loans were rarer then than now. Spain relied much on wealthy Jews for anticipations, although Jews and Gentiles, in the matter of money lending, incurred hazards quite in proportion to the profits, as illustrated in the hardships of the Jews in Spain and the case of Jacques Coeur in France. In truth, the Fuggers of Augsburg are among the few houses of that class which remain to this day. Hence the terrible financial straits which the Philips—II, III, and IV—were constantly suffering in Spain. Nevertheless, they sustained great wars all over the world.

I add that, according to telegrams received from Habana, the mission of Mr. Rubi has already produced important results, so that he is able to make assurance of having equalized the revenue and the expenditures and of undertaking to pay regularly all current obligations after the 1st of January.

I have, etc.,

C. CUSHING.

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*Mr. Fish to Mr. Cushing.*<sup>1</sup>

[Telegram.]

WASHINGTON, *November 27, 1873.*

CUSHING, *Minister, Madrid:*

Schenck was instructed to delay presentation of 266, in consequence of your telegram of 16th.

The President's message will discountenance recognition of either belligerency or independence; will refer to the injuries to the United States and its citizens from the long-continued struggle and the absence of prospect of termination; will intimate intervention as an ultimate necessity unless satisfactory results be soon reached, but will abstain from advising it at present; will refer to pending proposals not yet received here, with hope that they may afford the relief required and lead to a satisfactory settlement and removal of causes of grief; will intimate that a communication will soon be made to Congress as to the result of the proposals now on their way, and that, if it do not satisfactorily adjust all important questions, he will before long make a recommendation to Congress of the course to be pursued.

The above is for your guidance in your interview with minister; be careful that it be not communicated by minister or otherwise to the press or public in anticipation of what will be done here.

The instruction 266 is not intended as minatory in any sense but in

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<sup>1</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session, but omissions supplied.

the spirit of friendship, as a notice of a necessity which may be forced upon the President, but which he hopes to avoid, and desires Spain to aid him in escaping. We are sincerely desirous to preserve peace and to establish all relations with Spain on the most amicable and liberal basis, but we must be relieved and be secure as to the future, and you may give positive assurances to this effect.

You may give copy of 266 to minister, and may speak in the sense indicated in your telegram of yesterday, provided it be not to do away the object of the instruction.

You will make the communication and present copy instruction without waiting for presentation in London.

Schenck will to-day be instructed to read paper as soon as he can.

FISH, *Secretary.*

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, *November 30, 1875.*

Dispatch of 5th just delivered to minister of state with verbal explanations as near as foreign idiom would permit in the exact sense of telegram of 27th. Further conference on the subject deferred until after the minister shall have had the dispatch translated, and shall have duly considered its contents. Interview in good spirit.

CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 692.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 30, 1875.*

SIR: I received your telegram of the 27th on the afternoon of Sunday, the 28th, and became informed of its contents just in season to be able to avail myself of the opportunity of meeting the minister of state at the King's dinner in the evening, as recounted in another dispatch, to arrange for an interview with him the ensuing Tuesday.

I repaired to the ministry of state, therefore, to-day, in pursuance of that appointment, for the purpose of communicating to him the contents of your telegram and delivering a copy of your dispatch of the 5th.

Not being willing to trust myself to extemporaneous representation in a foreign language in a matter of so much gravity, I prepared a written statement in Spanish of what I had to say, in form to be read to the minister.

I explained this to Mr. Calderon y Collantes immediately on entering, and without further preface proceeded to read to him the paper, of which copy and translation are annexed.

After listening attentively to the contents of the paper as read, he requested me to leave it with him; to which I saw no objection, as it would thus assume almost the character of a protocol.

I then offered to read to him the dispatch of the 5th, or, if he preferred, to deliver to him a copy. He of course chose the latter alternative.

I then repeated the request already made, that before taking any definite action on the subject he would favor me with another interview. He assented, with the remark that Spain was in no hurry to go to war

with the United States; to which I added, that neither were the United States in a hurry to go to war with Spain.

A little to my surprise, he took the whole matter very coolly, notwithstanding that possible "intervention" was expressly mentioned in my oral statement, and said nothing as to the matter of that, except to express satisfaction at learning that the President proposed to discountenance the concession of recognition of independence or even of belligerence to the insurgents of Cuba.

We then conversed a few minutes on indifferent matters not material to the present subject, except in one particular. He said he had heard we were building a fleet of ironclads. I replied that it might be so, but that no such thing was within my knowledge; that, for myself, I had not a very high opinion of the impenetrability or the manageableness of the huge ironclads which had been built in England, France, and Spain.

This remark of mine led us into reflections on the misadventures of the British *Captain, Agincourt, Vanguard, and Iron Duke*, and the comparative value of them and of the Russian *Popoffkas*, with which the interview ended.

I have, etc.,

C. CUSHING.

[Appendix B in No. 692.—Translation of remarks of Mr. Cushing to Mr. Calderon y Collantes, read in the interview of November 30, 1873.]

My Government orders me to give to your excellency frank and detailed explanations with respect to the actual state of the questions pending between the two Governments.

On receiving your note of the 15th of the current month, I sent it to London by a special messenger, in order to insure its prompt transmission to Washington. It ought to arrive in the first days of December; that is to say, a little before the meeting of Congress.

I addressed at the same time an extended telegram to my Government, giving it a résumé of the contents of the note in a favorable sense, and subsequently other telegrams in the same sense.

The effect of the telegrams has been advantageous to the good understanding of the two Governments.

Prior to the delivery of the Spanish note of the 15th and to the reception of my telegrams, my Government had addressed to me a dispatch, dated the 5th of the current month, in which are fully recited the subsisting causes of disagreement, all having relation to the condition of Cuba; and in the case of failure to make an amicable settlement of those disagreements, there would suggest itself the only remedy which, in the opinion of the President, remains for the United States, and which he proposed to present to Congress in his message.

But now, in the hope that the contents of the Spanish note may be satisfactory, the President desists from the concrete purpose expressed in the dispatch of the 5th and substitutes a proposition which is merely expectant.

Meanwhile, I am charged in the first place to explain to you confidentially what will be the actual text of the message.

The President will discountenance the concession of the recognition of either independence or belligerence to the insurgents of Cuba; he will allude to the injuries inflicted upon the United States and on their citizens by the prolonged struggle in Cuba, and the absence as yet of clear indications of its termination; he will intimate, as an ulterior necessity, intervention, unless positive results be soon reached, but he will abstain from advising it at present; he will make reference to proposals awaited, but not yet received, in the prospect that those propositions may lead to a satisfactory settlement of all questions of importance; if not, he will submit in due time a recommendation for the consideration of Congress.

I am charged to express to you the hope that these explanations will be received by the Government of His Majesty in the friendly spirit which animates my Government in giving them, and to beg you to consider this unusual and friendly step of an anticipated communication of the contents of the President's message as absolutely confidential, in order to guard against premature discussions in the press, whether of Europe or of America.

Moreover, I am instructed to deliver to you a copy of the said dispatch of the 5th

instant, written before the delivery to me of the Spanish note, and, as is to be supposed, without knowledge of the intentions of the Government of His Majesty.

This dispatch is not conceived in any minatory sense, but on the contrary, in the spirit of friendship, as a notice of a pressing necessity, which may force the hand of the President in given circumstances, from which he desires to save himself, and desires Spain to aid him in escaping them. He sincerely desires to maintain peace and to establish the relations of the United States with Spain upon the most friendly and most liberal bases, provided they contain satisfaction for the present and security for the future; and I am authorized, to this end, to offer the most positive assurances to the Government of His Majesty.

It remains for me to place in your hands the copy of the dispatch of the 5th. It is somewhat long and merits to be read attentively, as well by reason of its contingent importance as for its tone of moderation and of consideration and good will toward Spain.

In conclusion, I beg you, after having read the dispatch and made yourself acquainted with its contents, and before taking any definite resolution in the matter, to do me the favor to grant me another private interview, in order that I may present to you some pertinent observations on my part and on the part of my Government.

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*Mr. Cushing to Mr. Fish.*

No. 698.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 3, 1875.*

SIR: Mr. Layard called on me yesterday to say that he had just received instructions by telegraph from Lord Derby to confer with me on the subject of Cuba.

He proceeded to say that General Schenck had read to Lord Derby your No. 266, and that the matter was under consideration in the British cabinet.

He also spoke of his knowledge of conferences between you and Sir Edward Thornton in this respect, without stating whether that knowledge came to him directly from Sir Edward or indirectly through Lord Derby.

Mr. Layard expressed readiness to back me in the matter of Cuba so soon as our respective Governments should have settled on a line of action, and instructed us to that effect.

He expresses great discontent at the failure of Spain to pay attention to the various claims, thirteen in number, presented by him in behalf of his Government, and says that his situation will be untenable here without some improvement in the conduct of the business of the ministry of state.

He thinks Great Britain has abundant cause of her own to interfere in the affairs of Cuba under her slave-trade treaties with Spain.

Further conference between us was deferred until hearing again from Lord Derby.

I received from General Schenck on the 1st instant a telegram dated the 30th ultimo, in the following words:

CUSHING, *Minister, Madrid:*

Have communicated to Lord Derby your instruction 266. He will give me views of this Government on Thursday.

SCHENCK, *Minister.*

I assume that the telegram thus addressed to you within, and on cover to me, is a duplicate transmitted to me in this form in order to save time and labor of preparing a separate and particular telegram for the legation.

I await information as to the decision to have been taken by Lord Derby yesterday, as stated by General Schenck.

I have, etc.,

C. CUSHING.

*Mr. Cushing to Mr. Fish.*

No. 699.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 3, 1875.*

SIR: I annex hereto translated extract of an article of last night in the *Epoca*, which constitutes the preface of that journal to a translation it inserts of a long article of antilibuster spirit from the *New York Herald*.

The definite references of the *Epoca* to my interview with Mr. Calderon y Collantes on the 30th, and to the telegrams received from Mr. Mantilla, sufficiently show that the *Epoca* received its information from some member of the Government.

I have never mentioned the contents, date, or even existence of your No. 266 to anybody except Mr. Calderon y Collantes, not even to Mr. Layard, until he came to speak to me concerning it, on the 1st instant, by telegraphic direction from Lord Derby, as reported in another dispatch.

Of course all which the *Epoca* says of the contents of that note must have been derived from the Government.

Four things are, it seems to me, worth noting in that article:

First. In speaking of your No. 266, it undertakes to characterize the first part, devoted to the exposition of particular grievances, but makes no allusion to the second part.

Secondly. It gives quite a novel turn to the question of intervention and the relations of Great Britain to that subject, supposing it to be on the part of some "great continental Power" between the United States and Spain. I have no knowledge, nor any ground of conjecture even, as to what Power is thus intended. Is it Germany? Or France? Or Russia?

Thirdly. The *Epoca* seems to put forward the article of the *Herald* by way of insinuating the opposition of Great Britain to any positive action of ours on the side of Cuba.

Fourthly. It is observable that the *Epoca*, thus inspired by the Government, does not speak excitedly, or otherwise betray signs of irritation on the part of the Government on occasion of the suggestion of our possible intervention, *ex nomine*, as intimated in your No. 266, and also expressly in the oral statement made by me to Mr. Calderon y Collantes.

I have, etc,

C. CUSHING.

[Inclosure in No. 699.—Appendix A, No. 699.—Translated extract of leading article in the *Epoca* of December 2, 1875.]

We have not been mistaken in asserting time and again that, whatever might be the language of the American papers, and however offensive might appear to us the attitude of that Government, we had such confidence in our own right, in the justice of our cause, and in the equity of the Government of Washington, even though appearances represented it as inclined to political extremes, that we have not for an instant become alarmed in view of the bravado of a few journals, nor even because of the too-spirited notes which, according to the public voice, were being exchanged between the two Cabinets. Our hopes have not been fallacious, and we are sincerely glad of it, although this would not have prevented us from meeting with manly resolution any precipitate resolve of the North Americans, sure of not being alone in the contest, and that, however prostrated we may be deemed to be, we still have the means of inflicting serious injuries upon those who might go so far as to risk an armed struggle.

Our hopes have not been deceptive, we repeat, because at the very time that, according to public report, there was received in Madrid a most lengthy note of the date of the 5th of November, energetically recapitulating the grievances of which President Grant thought he had the right to complain, there were also received important official telegrams wherein, in view of the firm attitude and, at the same time, of

the decorous explanations given by our Government, the attitude of the United States essentially changed, the terms of the message were modified, all motive of misunderstanding disappeared, and supposition even went so far as to hint that the Government of the White House would not be averse to admitting the mediation of a great continental Power (y hasta se avanzaba á suponer que el Gobierno de la Casa Blanca no estaría distante de admitir la mediacion de una gran potencia continental).

If these notices are not entirely official, they combine all the traits of likelihood, they circulate and are believed in diplomatic centers, and all the press echoes these and like indications.

The Correspondencia speaks of a friendly conference held by the ad interim minister of state, Mr. Calderon y Collantes, with the Honorable Mr. Caleb Cushing, and gives high praise to the rectitude, the elevated spirit of justice, and the loyalty and conciliatory judgment which the American representative has brought to bear on these questions.

In effect, without omitting in the slightest degree to execute the instructions of his Government; without for a moment neglecting the duties of his difficult position, we have seen the North American minister follow attentively the palpitations of public opinion, study to the bottom the aims and purposes of the Government, transmit faithfully to his own the result of his investigations, and when he became cognizant of the prudent and dignified terms of the note of state, he telegraphed again and again, giving extracts from that document, in order that his Government might not allow itself to be influenced by equivocal impressions.

These telegrams, joined to those which the active representative of Spain would receive and would cause to be known in North American councils; the language of the North American press, which had been modified in a notable manner, and the inconveniences of provoking a rupture which no solid reasons authorize and which would be ill in keeping with the great national solemnity prepared by the United States—all these circumstances combined have doubtless influenced the change of counsel which we logically expected by reason of the knowledge we possess of the springs of politics in the United States.

All this is good, and it is better to prevent adventures than to rush upon them without knowing what their result will be; but the North American men of affairs ought to accustom themselves, in their own interest, to follow a more constant policy, and not to produce continual inquietudes, the consequences of which touch, first of all, their own immense commerce. Let it be left to weak or ambitious governments to cajole and flatter certain passions of the baser sort, and let the United States tranquilly follow the evolutions to which they are invited by domestic difficulties, which it would not cost us much labor to reveal and which demand an efficient remedy.

But we have said that the language of the press had become considerably modified, and it is incumbent upon us to show it. The task is easy, with the article in the *New York Herald* now before us, and with others which we postpone until to-morrow.

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, *December 4, 1875.*

Brief important interview with minister of state. He takes office solely in the hope of settlement with us; has carefully read your 266; admits our grievances; is opposed in principle to sequestration of property of foreigners; condemns the delays of redress; will take up and promptly settle each case; will remove all cause of complaint as to treaty; reprobates conduct of local authorities in Cuba as more injurious to Spain than to the United States.

CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 703.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 5, 1875.*

SIR: I availed myself of the occasion afforded by Mr. Calderon y Collantes having been appointed proprietary minister of state to call upon him yesterday to congratulate him, and at the same time to repeat



expressions of hope that the Spanish Government would regard your dispatch No. 266 in the light intended, not of a menace, but of a friendly notice of what might be the enforced consequences of the continuance of the present state of things in Cuba; and to say further that it was our common duty, as it seemed to me, to labor together to remove all causes of difference between the two Governments, to do which depended primarily on the attitude of the Spanish Government itself in the presence of subsisting complications.

Mr. Calderon y Collantes replied at once that he concurred with me in this view of the subject; that he should not have consented to leave the post of minister of grace and justice, which best suited him as a lawyer and a magistrate, and to take that of state, which was out of the line of his lifetime pursuits, save only in the hope of being able to cooperate with me in healing all differences, in order to do which he counted much on our long-standing personal friendship and mutual confidence; that he had carefully read and considered the contents of your No. 266, and must confess that the United States had good reason to complain, not only of unjustifiable acts on the part of the local authorities of Cuba, but of the delays and half measures of the Spanish Government to accord redress; that the local administration of Cuba, civil and military alike, had, in his conception, been greatly injurious to the interests of Spain herself, even more than to the United States; that, as a jurist, he repudiated on principle the sequestration of the property of foreigners in Cuba; that if the Spanish note of the 15th ultimo should prove acceptable to the President as a basis, he should be prepared to take up each individual grief as presented, and consider it with me in good faith as if we were associate judges on the bench, and decide it promptly; that while not able conscientiously to admit that by the letter of the treaty civil courts were stipulated for to the exclusion of military, yet he was ready so to arrange the ground of controversy in that relation as to put an end to all reasonable complaint in the premises on the part of the United States.

I could but declare the high gratification it afforded me to receive from his lips the communication of these just and elevated sentiments, which it would be my pleasure to transmit immediately to my Government.

You will have received already by telegram a summary report of the interview; which, however, does not relieve me of the duty of now reporting it in extenso.

I have, etc.,

C. OUSHING.

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*Mr. Fish to Mr. Oushing.*<sup>1</sup>

[Telegram.]

WASHINGTON, December 6, 1875.

OUSHING, *Minister, Madrid:*

Your 658<sup>2</sup> received this day, on which Congress meets. Note is being carefully considered. Its tone is recognized as friendly; and such is that of message, which is ready for transmission. The note of 15th suggests no occasion for any alteration. It will be as indicated in my

<sup>1</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session, but omissions supplied.

<sup>2</sup> No. 658 is the dispatch inclosing Spanish note, already referred to, containing proposals for adjustment of pending differences between the United States and Spain.

telegram of 27th November—will condemn recognition of independence and belligerency in strong terms; will refer to mediation and intervention by other Powers as a contingent possibility if contest be protracted; will intimate readiness to mediate if desired; will in terms abstain from present recommendation of intervention. The text is too long to telegraph, but no just susceptibility should be excited by its purport, statements, or language, which are extremely friendly and conciliatory, but firm.

FISH, *Secretary.*

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*Mr. Cushing to Mr. Fish.*

No. 705.]

LEGATION OF THE UNITED STATES,  
*Madrid, December 6, 1875.*

SIR: I received on the afternoon of Saturday the 4th a telegram from General Schenck, purporting to be the duplicate of one sent to you on the 2d instant. It seems proper, however, that you should see a copy of it as deciphered here, and it will accordingly be transmitted, but as a separate dispatch.

Your dispatch No. 267 instructs me to communicate with Mr. Layard on the matter of its contents. I conferred with him fully last evening. He is prepared to cooperate with me now, if there should be any occasion, toward keeping the peace; but my interview with the minister of state on the 4th, as reported by telegram of that day, and more fully by my No. 703 of yesterday, satisfies me that all is going well on the side of the Spanish Government, and that there is no present occasion for the friendly interposition of Mr. Layard. He concurs in opinion of the inexpediency of taking any further step until the arrival of more definite instructions from Lord Derby and yourself.

Mr. Layard expresses opinion, founded partly on personal observation and partly on information received from the British consul-general in Havana, that the present is a very unfavorable moment for attempting intervention, friendly or other, between Spain and the insurgent Cubans. People in Spain are now animated and hopeful as to both civil wars, in view of the large reinforcements recently sent to Cuba, of the pacification of Valencia and Cataluna, and of the extensive military preparations for moving on the positions of the Vasco-Navarrese. Spain needs, he thinks, to be left to try the experiment of the operations of this winter. They are not likely to succeed, at least not in Cuba; and if interfered with now, she will attribute the failure which is to come, not to her own weakness or the strength of the insurgents, but to the disturbing action of the United States. But, left to herself, and thus failing, she will then feel discouraged in proportion as she now feels exalted, and will be in the mood to listen to judicious counsels, whether coming from the United States or from Great Britain.

These remarks of Mr. Layard could not fail to impress me, and so much the more, in consonance as they were with the views expressed in my No. 636 of the 30th of October.

The impression which Lord Derby's observations to General Schenck make on my mind is that of a disposition on the part of the British Government to aid us in a mediatory form rather than as a cooperator in the exercise of forcible pressure on Spain.

Our advance to Great Britain in the present question insures good offices at least, and may go further.

And she might, if she would, powerfully contribute to the solution

of the slavery question, not only as impelled by the same considerations of humanity which actuate the United States, but likewise in virtue of treaties under which she may rightfully assert the freedom of nearly all the bozal negroes—that is, of half the actual slaves in Cuba.

It was a bold step on the part of the President, and it seems to me a wise one, thus to invite the cooperation of Great Britain.

It opens a wide perspective. It looks like breaking down the last barrier of distrust between the two great branches of the British race in Europe and America.

It would seem that now at length, after the lapse of a century of heartburning, the old jealousy of the emancipated colonies toward the mother country, and the rancors of the Sovereign toward rebel subjects become an independent State, had wholly died out, to give place to mutual confidence advantageous to us, but not less so to Great Britain.

The treaty of Washington was, in fact, not merely a settlement of a transitory modern question growing out of our secession war, but a clearing up also of long-standing frets dating back to the war of Independence.

I have, etc.,

C. CUSHING.

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*Mr. Fish to Mr. Cushing.*

[Telegram.]

WASHINGTON, December 13, 1875.

CUSHING, *Minister, Madrid:*

Instruction 266 read to Von Bülow at Berlin on 7th, suggesting good effect if representations made by Germany of importance of ending contest. He expressed desire of Germany for peace and promised to consult Emperor and Prince Bismarck. Read also in same way to Duke Decazes in Paris. He desired to consult English Government. Thought Madrid Government too weak to settle question. Have instructed representatives at St. Petersburg and Vienna to follow same course.

FISH, *Secretary.*

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*Mr. Fish to Mr. Cushing.*

No. 278.]

DEPARTMENT OF STATE,

Washington, December 17, 1875.

SIR: I inclose herewith, for your information, a copy of an instruction under date of the 15th November, 1875, to the ministers of the United States at Paris, Berlin, Vienna, Rome, Lisbon, and St. Petersburg, transmitting to them a copy of an instruction to you of the 5th of the same month (No. 266) referring to the relations between this Government and that of Spain.

I also inclose copies of telegram forwarded to and received from those ministers in reference to their proceedings pursuant to such instructions up to and including this date. No telegram has been sent to the legation at Lisbon, and no directions have been given to Mr. Moran since the instruction referred to was addressed to him.

Referring to an instruction No. 805, addressed to General Schenck, of which a copy was transmitted with my No. 267, I also inclose herewith copies of all telegrams addressed to him or by him to the Department in reference thereto.

I am, sir, etc.,

HAMILTON FISH.

[Inclosures.]

Mr. Fish to United States ministers at Paris, Berlin, Vienna, Rome, Lisbon, and St. Petersburg.

Mr. Fish to Mr. Schenck, November 19, 1875.

Same to same, November 29, 1875.

Mr. Schenck to Mr. Fish, November 29, 1875.

Same to same, November 30, 1875.

Same to same, December 2, 1875.

Mr. Fish to Mr. Schenck, December 6, 1875.

Mr. Fish to Mr. Washburne, December 6, 1875.

Mr. Fish to Mr. Davis, December 6, 1875.

Mr. N. Fish to Mr. Fish, December 7, 1875.

Mr. Hitt to Mr. Fish, December 9, 1875.

Mr. Marsh to Mr. Fish, December 14, 1875.

Mr. N. Fish to Mr. Fish, December 15, 1875.

Mr. Boker to Mr. Fish, December 16, 1875.

Mr. Stevens to Mr. Fish, December 16, 1875.

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, December 19, 1875.

Spanish Government hears to-day from Austria of circular addressed by you to European Governments, suggesting intervention in Cuba. Your 266 evidently intended. If I am interrogated on the subject by minister of state what answer shall I make?

CUSHING.

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*Mr. Fish to Mr. Cushing.*

[Telegram.]

WASHINGTON, December 20, 1875.

Two sixty-six communicated also to Russia, Italy, and Austria. Gortchakoff promised if Emperor consent to make representations to Spain toward preservation of good relations, but doubts Russian influence. Italy will instruct minister to urge expediency of fulfilling duties to the United States, and pacifying Cuba, without specifying measures. Austria promises answer this week probably unsatisfactory. Copy all telegrams and circular instruction mailed 17th.

Intervention of foreign Powers was neither asked or suggested at present, but expression of their views desired to impress on Spain necessity of terminating contest, and to avoid necessity of intervention. This course adopted in the direction of friendship and of peace and to exhaust every effort, and avoid all possible suspicion of selfish, unfriendly, or ulterior purposes. You may so reply if interrogated.

FISH, Secretary.

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*Mr. Cushing to Mr. Fish.*<sup>1</sup>

No. 730.]

LEGATION OF THE UNITED STATES,  
 Madrid, December 22, 1875. (Received Jan. 17, 1876.)

SIR: You will doubtless have noticed in the London Times of the 9th instant an editorial article of some interest respecting the relations between the United States and Spain.

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<sup>1</sup> Reprinted from House Ex. Doc. No. 90, 44th Cong., 1st sess

Portions of this article have been translated and published in several of the newspapers of Madrid, with more or less pertinent observations.

I annex translation of the observations of the Cronista, of Madrid (a journal in close affinity with the Government), calling your attention especially to the concluding paragraph, in which is accepted without protest the remarkable phrase of the Times concerning the rule of Spain over Cuba, to the effect that "the limits of her power are the limits of her right."

I have the honor, etc.,

C. CUSHING.

[Appendix A.—No. 730.—Translation of editorial article from *El Cronista*, Madrid, December 29, 1878.]

#### THE QUESTION OF THE UNITED STATES.

The Times of the 9th instant, referring to the message of General Grant, and after devoting some little space to the religious question, which is commencing to arise in the United States, and threatens to perturb their interior peace, if not with armed struggles, at least with those moral combats which cause so much injury to civil societies, passes on to analyze very especially that portion of the message which treats of the Cuban question.

The English journal qualifies it as the most important part of the message, and calls observance to the confession of the President that the rebels do not constitute a civil organization which could be recognized as an independent government capable of fulfilling international obligations and worthy of being treated as a power; from which Grant himself draws the inference that to recognize the insurgents as a government would be an act inconsistent with the reality.

And the Times adds:

"Any other conclusion would have come strangely indeed from the Chief Magistrate of a nation which was angry with this country for recognizing the belligerency of the Southern States, although they had a regular government, a fixed capital, agents abroad, a formidable navy, and an elaborately organized army. The Cuban insurgents are as yet little better than splinters of revolt."

The President concludes, and the Times applauds him for it, by saying that it would be imprudent, premature, and indefensible as a measure of right to treat the rebels as belligerents.

But at the same time that the English journal notes these satisfactory statements it observes that in the next line the President lays it down as his opinion that, the indefinite continuance of the war being prejudicial to the subjects of the Republic, it will be necessary for the Spanish Government to do everything possible to conclude it, under penalty of that Republic being obliged to adopt such measures as may be deemed necessary.

And the journal adds:

"It is exceedingly difficult for English observers to do justice to the claims on which President Grant's threats are founded. We are apt to think that they are merely a veil for a determination to seize one of the richest islands in the world. America has long had her eye on Cuba, and it may not uncharitably be thought that she is unwilling to let slip this chance of seizing the prize. But it would be well for us to suspend our judgment till we see a specific statement of the injury which the Cuban rebellion has inflicted upon the United States. It certainly injures trade, and does great harm to many of the President's countrymen. The mischief thus done may be insufficient to warrant more than a remonstrance, or it may call for a less gentle style of treatment."

The periodical then goes on to make reflections upon the possibility of Spain's overcoming the insurrection, and terminates with these notable words:

"Were Cuba as near to Cornwall as it is to Florida, we should certainly look more sharply to matters of fact than to the niceties of international law. But everything, we repeat, depends on those matters of fact. If Spain can suppress the insurrection and prevent Cuba from becoming a permanent source of mischief to neighboring countries, she has the fullest right to keep it. But she is on her trial, and that trial can not be long. When she is made to clearly understand that the tenure of her rule over Cuba depends on her ability to make that rule a reality, she will not be slow to show what she can do, and the limits of her power will be the limits of her right."

Thus ends the article, which, from more than one point of view, deserves to attract the attention of our Government and serve as a stimulus and a spur to it, in order to

accelerate on the one hand the final campaign against the Carlists, and on the other the preparations for another and likewise decisive campaign in Cuba.

It is indispensable—it is demanded by our interest and our honor, pledged before the civilized world—it is indispensable to make a supreme effort and triumph, and triumph speedily, over both insurrections. Neither of the two has succeeded in placing itself in condition to be recognized as a belligerent; both of them are daughters of the disconcertedness in which we have lived, of the debility which the principle of authority contracted among us in a lamentable period of political insanity; both of them are decaying in proportion as authority regains its place and the nation restores itself.

One effort more and we will end it; and let us at every moment think that, in this matter as in many others, it is a melancholy truth that "the limits of our power must be the limits of our right."

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*Mr. Cushing to Mr. Fish.*

No. 748.]

LEGATION OF THE UNITED STATES,

*Madrid, January 4, 1876.*

SIR: Recent publications in New York, London, and Paris, passed around by the telegraph, are drawing attention to the communications made by the United States to European Governments on the subject of intervention in Cuba.

Most, if not all of these publications, will probably have passed under your eye.

I annex, nevertheless, in appendix, several such, which are the subject of particular comment at Madrid.

When questioned in this relation, my answer has been, conformably to the tenor of your telegram of the 20th ultimo, that intervention had neither been asked nor suggested at present, but only expression of views desired to impress on Spain the necessity of terminating the contest and to avoid necessity of intervention, and in the intention of peace and friendship, and to preclude all possible suspicion of selfish or unfriendly or ulterior purposes on the part of the United States.

I think that such is the understanding of the matter in every well-disposed quarter, as evidenced by the state of mind of the minister of state, as reported in my No. 745 of the 2d instant.

The concluding sentences of the communication made by the Marquis de Molins to Galignani's Messenger, and reproduced to-day in Madrid by the Havas Agency, seem intended to imply that some of the European Governments at least have interchanged views on the subject, and in a sense acceptable to Spain, which may be the substance of the information communicated to the Marquis de Molins by the Duc Decazes.

In Madrid there is a dispute on the question whether or not the Spanish Government has taken any action in the premises. But, as we now know, the minister of state is preparing a communication in behalf of Spain.

Speculation is active also as to the ultimate question of what the United States will do if left alone by other powers—whether the President will intervene by force, and if so, whether in armed alliance with Spain, or whether in arms against her and in aid of the insurgents, which it is assumed would be war. Observation of what is going on at the present time in Constantinople respecting Bosnia and Herzegovina, and what occurred there formerly in the matter of Greece, leads many persons to anticipate the development of a similar series of incidents at Madrid as respects Cuba.

Hence, Count Greppi's "Question d'Orient" is read here with interest,

as affording a key to the enigma of coming events, both in Europe and America.

History, it is said, repeats itself, but unfortunately with such variations that we misapply the lesson quite as often as we apply it rightly, as in the case of the rejuvenated old man of the "Si jeunesse savait, si vieillesse pouvait," by Soulié. And all experience on the bench and at the bar demonstrate that it is much easier to find precedent than it is to adapt them to new facts.

Meantime, while steering as prudently as possible amid the shoals and breakers of these larger questions, I am awaiting patiently the instructions which are to govern me in the pending particular negotiations.

Apropos of which, a letter, purporting to be addressed from Madrid to the New York Herald of the 15th ultimo, puzzles me. Supposing that the pretense of interview with Mr. Cánovas del Castillo and Mr. Ruiz Gomez, two of the Spanish gentlemen plainly alluded to, is fictitious, yet the fact remains that although the Herald has a correspondent here, yet he did not arrive until after the date of this letter; and no American has been here capable of entering so minutely or intelligently into the questions at issue. On the other hand, it is not easy to suppose (although it is possible) that with the aid of some Spaniard of considerable political and juridical experience, such as are continually passing between Spain and Cuba, the letter may have been got up in New York.

On the whole, although the letter contains errors of fact and of language which a Spaniard of the instruction of Mr. Ruiz Gomez, for instance, would not have committed, still the matter of the letter may have been prepared here by some Spaniard of intelligence desirous of thus making his views known to the people of the United States, and sent to New York to be worked into its present shape in the office.

I have, etc.,

C. CUSHING.

[Appendix A in No. 748.—Sundry newspaper extracts in relation to the Cuban question and the attitude of the United States and Spain with respect to foreign powers.]

(A) From the New York Times, December 16, 1875:

"The published report that the United States have submitted proposals to Great Britain, France, and Germany, looking to an intervention in the Cuban question, is contradicted by the language of the President in his recent annual message. In addition, it may positively be asserted that even if this Government should in future be inclined to such intervention, it would do so without asking or desiring the cooperation of foreign powers."

(B) From the London Times, December 30, 1875:

LATEST INTELLIGENCE—SPAIN AND THE UNITED STATES.

[By cable from our American correspondent.]

"PHILADELPHIA, December 29.

"The Secretary of State recently addressed a circular to the leading European Governments, including Spain, upon Cuban affairs, suggesting mediation or intervention to restore peace, and asking them if they approved of joining in an international effort for this object."

(C) From the London Times, December 31, 1875:

"WASHINGTON, December 30.

"The American minister in London has, in the name of this Government, addressed himself to the English Government for the purpose of learning its views with respect to a collective intervention of the European powers with the object of stopping the bloodshed in Cuba. The English Government has, however, deferred giving a definite answer at present."

(D) From Galignani's Messenger, Paris, December 31, 1875:

"NEW YORK, 30th.

"The American Government addressed recently to the European Powers, Spain included, a circular in which it proposed a mediation or an intervention to restore peace in Cuba, and asked them if they would associate in an international proceeding with that object. On that subject the New York Herald publishes a telegraphic message from Vienna stating that all the Powers, comprising England, have given their adhesion to the proposal."

(E) From Galignani's Messenger, Paris, January 1, 1876:

"We have received the following communication from the Spanish embassy:

"The New York Herald, according to a telegram from that city, asserts that the Government of the United States had invited the great Powers to join with it in an intervention in Cuba, and that they had consented. That news is erroneous from several points of view. \* \* \* The American note which is already several weeks old, although it was only read to the European cabinet a fortnight ago, does not propose intervention. After having rendered justice to the honorable efforts made by Spain to put an end to the insurrection, it affirms that she is powerless to master it, and exhorts the Powers to make friendly remonstrances to her on the state of things. That conclusion has been coolly received by the European Governments, which have postponed all reply to these overtures. The American ministers have not insisted, nor even left a copy with the Governments to which they are accredited."

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*Mr. Fish to Mr. Cushing.*

[Telegram.]

WASHINGTON, January 4, 1876.

CUSHING, *Minister, Madrid:*

Would inconvenience result from publication of 266 and attendant correspondence in case Congress call for it?

FISH, *Secretary.*

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, January 5, 1876.

I think not, seeing that the Spanish Government already has copy of dispatch, and the public generally will consider it in connection with the President's friendly message.

CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 754.]

LEGATION OF THE UNITED STATES,

*Madrid, January 7, 1876.*

SIR: The ministerial journals continue to publish short paragraphs founded on the communication made to Galignani's Messenger by the Spanish ambassador at Paris, all belonging to the class which the physicians denominate soothing medicines, of which the following, in the Correspondencia, may serve as example, namely:

Various colleagues give account of a note which the Government of the United States passed some weeks since to the cabinets of Europe, in which, after doing justice to the bona fide efforts of Spain to terminate the insurrection in Cuba, the United



States pretends that she is impotent to subdue it, and exhorts other Governments to make friendly representations to that of Spain on the subject.

This vague conclusion has been coldly received by the European Governments, which have deferred making reply to the indications of the United States.

The American ministers have not insisted nor left a copy with the Governments to which they are respectfully accredited.

Such is the truth regarding this incident.

Our own information is to the same effect.

Thus for the Correspondencia.

I add that rumors are afloat of a telegram received by the Spanish Government from London, purporting that Great Britain is proposing to assert her treaty rights to the freedom of the loyal blacks in Cuba.

I have the honor, etc.,

O. CUSHING.

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*Mr. Oushing to Mr. Fish.*

No. 755.]

LEGATION OF THE UNITED STATES,

*Madrid, January 8, 1876.*

SIR: The ministerial journals of last evening continue to rejoice over the tenor of the communiqué of the Marquis de Molins, reported in my No. 748, of the 4th instant.

They now publish a variation by way of New York and London, as follows:

The [American] Government admits having sent to the European Powers a circular respecting the affairs of Cuba.

It denies having proposed a confederation of Cuba and Puerto Rico under a Spanish governor, but it does not publish the text of the circular.

All this, pursue the journals in question, is nothing but the document so coldly received by the Powers to which it was read by the representatives of the United States.

But, nevertheless, in the very same journals appears the following telegraphic item, which seems likely to put a new face on things, namely:

BERLIN, *January 7.*

It is positively asserted that the German Government shows itself favorable to the American circular relative to Cuba, in consequence of the injuries which the present situation of the island involves to the commerce of Germany.

I hear nothing further as to the alleged intentions of Great Britain.

I have, etc.,

O. CUSHING.

P. S.—Since the above dispatch was written the London Times has come to hand, containing a telegram from Vienna, which is annexed. It is confused, illogical, and incorrect, like all such telegraphic reports.

If "Cuba" is a European question of "incalculable consequences," as the telegram asserts, then you had good cause to consult Europe, and Europe has good cause to act in the premises.

It was not in the middle of December, but the 30th of November, that the Spanish Government received copy of your No. 266. See my No. 692 of the 30th November. But intelligence of No. 266 being communicated to European Powers did come here about the middle of December, as reported to you in my telegram on the 19th of December.

O. O.

VIENNA, *January 4.*

The cabinet of Madrid learned in the middle of December from a confidential quarter the contents of the circular note of the United States Government to the European powers relative to Cuba. It thereupon instructed its representatives

abroad to explain to the Governments to which they are accredited that the Cuban question was one not only of American, but of European, interest. Complications between America and Spain might have incalculable consequences for Europe. In the first place, they would encourage the Carlists to make a prolonged resistance and revive the hopes of the Federalist Republicans and Socialists in Spain. The Austrian Government received these declarations in a friendly manner, and will not reply to the long American dispatch, which was only read to the Austrian minister for foreign affairs, and which, moreover, not only repudiates any intention of annexing Cuba, but in reality contains no definite conclusion.

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*Mr. Cushing to Mr. Fish.*

No. 759.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 10, 1876.*

SIR: I annex translation of an article from the *Cronista*, a serious ministerial paper, containing a very formal semiofficial denial of the alleged concurrence of Germany in the suggestion by the United States of intervention in Cuba.

There is report here of the capture of a German vessel charged with supplying arms to rebels in the Philippines. Count Hatzfeldt informs me that he has no information respecting the affair, but apprehends it will be the occasion of unpleasant controversy.

I annex translation of an article on the subject from a ministerial journal of respectability, the *Tiempo*.

I have the honor, etc.,

O. CUSHING.

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[Appendix A, No. 759.—Translation of article from *El Cronista* of January 8, 1876.]

A dispatch of the *Agencia Fabra* from Berlin, which we published yesterday, as did our contemporaries, gave news, which would be grave if true, that the German Government showed itself favorable toward the American circular referring to Cuba, because of the damage brought upon German commerce by the condition of the island.

Duly informed, we are able to assert that the statement referred to is not true, and that the cabinet of Berlin continues to express the greatest sympathies for our country.

The circular of the Government of the United States has not met with a favorable reception from any European power.

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[Appendix B, No. 759.—Translation of article from *El Tiempo* of January 8, 1876.]

We again call the attention of the Government toward our possessions in the Philippine Archipelago. We know that the enemies of Spanish integrity rest not, although their affairs in London have recently assumed a bad aspect, and that the English Government looks upon them with suspicion.

Upon that immense network of islands of Oceanica belonging to Spain they have fixed their vision. They do not overlook that these offer excellent positions, and they will take advantage of every opportunity to snatch some one of the rich pearls of so precious a jewel.

There, more than anywhere, will they direct their efforts, because elsewhere they will find immediate opposition from first-class powers. If there be vigilance, more than sufficient is Spanish patriotism against all conspiracies, native or foreign; and not for a moment do we doubt that there will be such (conspiracies) as is proved by the news which gives rise to these lines.

*Mr. Fish to Mr. Cushing.*

No. 286.]

DEPARTMENT OF STATE,  
Washington, January 11, 1876.

SIR: Referring to previous correspondence on the Spanish question, I now inclose herewith, for your confidential information, a copy of two dispatches, numbered 220 and 222, dated, respectively, the 8th and 14th December, 1875, upon the subject from Mr. Nicholas Fish, chargé d' affaires ad interim, of the United States at Berlin, Prussia.

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 288.]

DEPARTMENT OF STATE,  
Washington, January 11, 1876.

SIR: Referring to my No. 266 and to the various telegrams which have passed in relation thereto, I have to acknowledge the receipt of your Nos. 692, 698, 703, and 705.

With your 692 you inclose a copy of the remarks made by you to the minister of state in your interview of November 30, on presenting a copy of No. 266.

It is perceived that you state that No. 266, dated the 5th November, was written before the delivery to you of the Spanish note of November 15, and "as is to be supposed, without knowledge of the intentions of the Government of His Majesty." In this you are quite correct, as No. 266 bore a date anterior to that of the Spanish note, and was prepared without knowledge of its contents. At the same time, the substance of the Spanish note of November 15 had reached this Government by means of your telegrams of November 16, 18, and 19, prior to my telegram to you of the 27th of November, directing the presentation of the instruction of the 5th of November, and after a careful consideration, a conclusion was reached that it raised no occasion for a change in the instructions which had been sent.

At the conclusion of your memorandum read to the minister of state you requested a further interview before any definite resolution was adopted by the Government of Spain; and in your No. 703 you report an interview with him upon December 4, in which incidental reference is made to instruction No. 266, and in which he appears to have frankly spoken of some of the grievances of which we had complained; but it is not stated whether this is the interview which you had requested should be held prior to any decision being reached on the part of the Spanish Government.

In your No. 698 you report an interview with Mr. Layard, and his willingness to back you in the matter of Cuba, as soon as some joint course of action should be determined on by the two Governments; and in your No. 705 you say that while Mr. Layard is prepared to cooperate with you if there should be any occasion, "toward keeping the peace," your interview with the minister of state upon the 4th had been so satisfactory that there seemed no present occasion for his friendly interposition, and that he concurred in the opinion as to the inexpediency of any further steps, until the arrival of more definite instructions from Lord Derby.

In your interview of December 4, reference to instruction No. 266 appears to have been confined to our particular griefs, no allusion being

made to the general question of the condition of Cuba as distinguished therefrom.

A telegram from General Schenck, dated December 2, says that Lord Derby had received a telegram from Mr. Layard stating that you had requested no definite action on instruction No. 266, in the expectation that the Spanish note might induce the President to modify the views in his message, and that therefore Lord Derby hesitated to act.

I have as yet no written dispatch from General Schenck on the subject of his interview with Lord Derby, and am in hopes, when fuller information is received, that it will show that Lord Derby misapprehended Mr. Layard as to a request being made by you to the Spanish minister that he take no definite action on the communication addressed to the Government at Madrid. It would be unfortunate if such impression had delayed instructions from London to Mr. Layard, or had induced him to postpone the presentation of the views of the British cabinet, which General Schenck represented as willing, in the interests of humanity and friendship, to cooperate in any way short of putting pressure on Spain that promises to bring about a settlement of troubles in Cuba.

General Schenck has not informed the Department as to any late interviews with Lord Derby, and information has not reached me whether any particular instructions have been sent to Mr. Layard. General Schenck's attention has been called thereto.

As several of the other Governments of Europe are understood to have instructed their representatives at Madrid to make representations to the Spanish Government, and as it is presumed that some such representations may have already been made, it is highly advisable that all of these, to be effective, should be as simultaneous as possible.

Early information was given to the Government of Great Britain concerning the course which this Government intended to adopt on this question, in order to secure the effect of any representations which that Government might be inclined to authorize its representative at Madrid to make, so that the effect and purpose of instruction No. 266, in its relation to the general question of the condition of Cuba, should have its full force. The President indulges the hope that you will, by vigorous but prudent and wise insistence, be enabled to secure the position which this Government has taken its full force. He looks confidently to a friendly and satisfactory termination of all pending questions with Spain, including the important one of the termination of the conflict in Cuba.

I am, etc.,

HAMILTON FISH.

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*Mr. Cushing to Mr. Fish.*

No. 762.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 11, 1876.*

SIR: Political circles at Madrid continue to occupy themselves with the question of intervention in Cuba, interest in which is kept excited by the now frequent references to the subject in the journals of England, Germany, and Austria, reproduced by those of Madrid.

Articles heretofore transmitted to you afford pabulum to persistent discussion.

To-day there is a new crop, founded on articles of the Gazette of Cologne and the Press of Vienna.

I annex translation of the article of the Press, with comments of the Epoca, and shall transmit to-morrow translation of the article of the Gazette of Cologne.

Late news from Cuba by private letters narrates the destruction of "Jaquay Grande" and of several ingenios by the insurgents, the capture by them of a railway train between Cienfuegos and Villa Clara, near to the headquarters of Valmaseda at Las Cruces; their operations in the neighborhood of Sagua, and the extreme distress presenting in the departments of Puerto Principe and in Cinco Villas, all of which gives much solicitude to the Government.

I have, etc.,

O. CUSHING.

[Appendix A, No. 762.—Translation of article from *La Epoca* of January 10, 1876.]

The more important German journals, the semiofficial ones especially, have expressed the surprise caused to them by the note of the United States Government consulting in regard to the opportuneness of an intervention for the sake of reestablishing peace in Cuba. The Gazette, of Cologne, has published an article well worthy of attracting attention, which we shall reproduce to-morrow; and another from one of the most authoritative Austrian dailies expresses itself in the following no less significant terms:

"The threats against Spain contained in the articles of the New York press and in the last message of President Grant not having produced any results, the news is propagated from New York that the American Government has approached the European Powers, including Spain, with intent of sounding them as to their views respecting the opportuneness of obtaining, by means of united action, the reestablishment of peace in the island of Cuba.

"Should this news be confirmed, it would not be difficult to foresee the reply which would be given by the cabinets.

"Spain, for her part, has nothing to do but to refer to the large reinforcements she has lately sent, and to General Jovellar, as an energetic chief and one well acquainted with the Island of Cuba, whereby a speedy pacification of the insurrection there may be expected. And however much the filibusters and insurgents may attempt to sustain it through the organs of the New York press and the declarations of President Grant, they can only delay the end."

We had anticipated the advice of the Austrian journal. We have in Cuba 70,000 men, excellent soldiers, and 100,000 volunteers, a number more than sufficient to suppress the rebellion should it come out from its fastnesses.

*Mr. Cushing to Mr. Fish.*

No. 764.]

LEGATION OF THE UNITED STATES,

*Madrid, January 12, 1876.*

SIR: I transmit hereto annexed a translation of the article of the Gazette, of Cologne, respecting intervention in Cuba, referred to in my No. 762 of the 11th instant, with remarks of the Epoca thereon, which article is assumed here to be an expression of the public opinion of Germany on the subject.

I have, etc.,

O. CUSHING.

[Appendix A, No. 764.—Translation of article from the Gazette, of Cologne, from *La Epoca*, Madrid, January 11, 1876.]

The article from the Cologne Gazette, to which we referred yesterday, an article the spirit of which is opposed to any Americo-European intervention in the question of Cuba, runs thus:

"The President of the United States could not have found a more unfavorable moment for inviting the European powers to take common measures with the object of restoring order in the confused state of things in the Island of Cuba. Our part

of the world is at present very much occupied in disentangling itself from another analogous question, or at least postponing it for the longest time possible. So long as there is a conflagration in our neighbor, Turkey, and the diplomatic fire-engines are laboring to put it out, Europe has neither time nor room for giving attention to the little fire in the far-off Antilla. But President Ulysses Grant deems it opportune to make his voice heard in the diplomatic concert of the world, so that on this side of the ocean his existence may not pass into the state of oblivion. For this reason, he has caused course to be given to his circular note by his ministry of foreign affairs, of which the papers have spoken for the last few days, and of which we now give a long extract sent to us by our London correspondent."

(Here follows a long extract from the note in question, which is already known.)

"The introduction of this note was already known (at least its principal contents) by means of the message which President Grant addressed a few weeks ago to the Congress assembled for the new session."

(Here the Gazette inserts that part of the message which speaks of the insurrection of Cuba and of the necessity of ending it.)

"To whomsoever reads these complaints, even superficially, it must occur that nothing is needed save to change the proper names to have an exact picture of that civil war which devastated the United States a little more than ten years ago. Not merely destruction and pillage, but also the contempt of the modern laws of warfare, offered in the Southern States a spectacle as moving as that of to-day in Cuba, even though we may be forced to recognize that acts as horrible as those of shooting innocent prisoners of war, whose only crime consisted in having taken part in the insurrection, may be excused as measures of reprisal on the part of the Northern States.

"Scenes as fearful as those which passed in the prison of Andersonville, in contempt of the lightest demands of humanity and under the superior vigilance of Captain Wirz, of the Southern States, have had no equal in Cuba. And, in spite of that, the United States opposed by every means any European interference in a civil war, and not [sic] with full right, as was recognized at least in Germany, where the state of things was then judged with more coolness than in France and England. As apart from this the statistical data prove conclusively that the commerce of Cuba has developed itself in spite of the insurrection, Spain, in rejecting all foreign interference, can simply refer to the precedent set by the United States.

"In a letter from Madrid of official origin, which one of our Parisian correspondents recently mentioned, it is said that the insurrection mainly has its focus in those interior parts of the island which, by reason of being covered with impenetrable woods and morasses, are uninhabitable for Europeans; that it does not possess a single town of importance, and that it never has been able to attain the point of conducting even a moderately regularized warfare. President Grant has recognized this fact when he declares in his message that the real facts do not properly permit of recognizing the insurgents as possessing the character of belligerents.

"In our opinion the European powers have still far less motives for intermixing in the Cuban disturbances. Much to the contrary. If Europe has an interest in the affairs of Spain, it is to avoid all that might lead that country out of the pathway of order upon which it now seems to have entered. This question has no more sensitive point than Cuba, and the sovereign who, as the result of foreign pressure, might find himself forced to dissolve or even weaken the ties which united the colony to the mother country, would feel the ground slipping from under his feet.

"Now then, to shake the throne of Alfonso XII might eventually please the trans-Atlantic Republic, but assuredly would not please the states of the Old World. It appears, moreover, as if President Grant finds no support in his own country for his designs, because it is only too generally suspected that he touches on foreign questions and treats largely of them for the purpose of finding himself, in the moments of serious complications, as an experienced general, the sole master of the situation. He himself seems to have a firmer conviction that he personally is absolutely necessary, than the people of the United States appear to have. The negative replies he will in all probability get from all the foreign cabinets may make mention of the present greatly improved situation of the Government of Madrid with respect to the Carlist insurrection. There are hopes that the Peninsula will soon be freed from the pest of civil war, and then the moment will have come for putting an end, with redoubled energies, to the insurrection in Cuba. As Europe has played for so many years the part of a tranquil looker-on, she may well wait, in all conscience, a few months yet, before taking into consideration the question whether there is room for intervening."

This language, friendly toward Spain and prudent in what relates to the relations of Europe with our country, is the more significant as the significance attributed to the Gazette of Cologne is great. It should be borne in mind, however, that this article has been republished by the North German Gazette, as though seeking to make it appear that these are the opinions of Germany, already officially known by the

silence with which was received the note of the Government of the United States, which Government, for its part, can not withdraw from the positions set forth in the Presidential message.

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*Mr. Cushing to Mr. Fish.*

No. 771.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 14, 1876.*

SIR: In turning over the leaves of one of the bound, but unindexed, volumes of dispatches in the legation, in search of a particular paper, my sight fell on a dispatch of Mr. Seward, addressed to the diplomatic representatives of the Governments abroad, on the subject of foreign intervention in the United States between the Union and the Southern Confederates.

It is a printed circular, dated August 18, 1862.

This document may not have fallen under your observation; and if not, it may be worthy of perusal, as presenting the obvious arguments against intervention common on both sides to all questions.

It is an apt illustration of the rhetorical theorem of commonplaces—arguments pro and contra on a question—with which college studies rendered us all familiar in the pages of Cicero's *Topica*.

There is no instruction in this dispatch to communicate it or its contents to other Governments, and it does not otherwise appear to have been communicated to that of Spain.

But the document acquired general publicity by being communicated to Congress annexed to the next annual message of the President (Ex. Doc., 1862-63, vol. 1, p. 176), and may, therefore, have become known to the Spanish Government.

The minister of state at the time was D. Saturnino Calderon y Collantes, in the second administration of General O'Donnell. It was not until his third administration that D. Fernando Calderon y Collantes, the present minister of state, entered the cabinet as minister of grace and justice.

Whether or not the present ministers have knowledge of this document does not appear. Probably not, for such has been the political anarchy and ministerial shiftiness of the recent years in Spain—such the wild contention of parties—and so complete the absence of authentic history, amid the immense mass of polemical publications and of extravagant party diatribes, absurdly dignified with the name of history, in the presence of which the tragedy of cruel wars and ever-recurring rebellions and the comedy of transitory quarrels of mere personal ambition and partisanship, serve to crowd out of sight all things of serious importance that this document is not likely to be remembered, if it was ever within the knowledge of the public men of Spain.

Thus, while there is no end here of books of literary criticism, romance, poetry, and plays, and especially the rubbish of party disquisitions, more or less elaborate, which the future historian of the country will have to toil through with disgust and shame; all my efforts thus far have failed to obtain any, even the most superficial, account of the six great acts of the reign of Queen Isabel, namely: the successive military adventures in Rome, in Santo Domingo, in Morocco, in Mexico, on the coast of Chile and Peru, and in Cochin-China.

While, therefore, it is quite improbable that the ministers of to-day have any recollection, if they had any knowledge of Mr. Seward's cir-

cular, yet certain it is that the arguments contained in its second, third, and fourth commencing paragraphs and in its four penultimate paragraphs, are such as continually meet my eye in the newspapers, and my ear in conversation, at Madrid.

I have, etc.,

O. CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 776.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 15, 1876.*

SIR: In continuation of noticeable articles concerning Cuba, please find annexed translation of two short editorials of the *Cronista* and the *Epoca*, both ministerial journals, the former commenting on language attributed to the President.

The *Politica* prints in translation an article of the *New York Herald* of the 28th ultimo, purporting to report an interview of its correspondent with yourself, and makes prefatory and concluding comments thereon, which are also annexed in translation.

I have, etc.,

O. CUSHING.

P. S.—Permit me to call your attention to an editorial on Spain, with incidental reference to intervention in Cuba, of the *London Times* of the 10th instant.

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[Appendix A, No. 776.—Translation.—Editorial paragraph from *La Epoca*, Madrid, January 14, 1876.]

The effort continues to cause the belief that the relations between Spain and the United States are not good, when the exact opposite is the case.

A telegram has gone the rounds announcing that in the roads of Port Royal, S. C., the American squadron would be concentrated, but it needs one to be denuded of all political common sense to suppose that when the Exposition is in full blast, conflicts are to be provoked, and as the desire of the North Americans is to have the Cuban war ended, we trust to be able to satisfy their desires shortly, if, indeed, the name of a war can be applied to the rebellion, sustained in the shelter of the impenetrable woods, without having mastered a single important town and without having organized a government.

The only thing we know for certain is that the religion of the insurgents is idolatry, which must be very gratifying for the traitors, who, in order to escape merited chastisement, go to swell the ranks of the rebels.

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[Appendix B, No. 776.—Translation.—Editorial article on Cuba, from *El Cronista*, Madrid, January 14, 1876.]

The right which is on the side of Spain in the affairs of Cuba is so clear and so patent that it could not fail to have been recognized, even though shamefacedly and in private circles, by the President of the United States, General Grant. We were right in asserting, as we have repeatedly done, that the parliamentary curvets (excuse) of the Government of the American Republic with respect to the question of Cuba obeyed, rather than its own opinions, electoral machinations, and the presence of the filibuster element, so numerous in the United States.

We say this a propos of an important piece of news which we receive to-day by the Cuban mail. A *Habana* paper publishes correspondence from New York, in which it is positively said that the President of the United States has declared in private circles that he considers the independence of the Island of Cuba as impossible, and that its annexation to the United States would cause immense injuries to the country.

If General Grant has said so, he has spoken like a book, even though he has required some seven years to convince himself of that which was seen and said from the beginning by those who well knew the especial circumstances of the Great Antilla.



Perfectly do we agree with the President of the United States that the Island of Cuba can not be independent, because it does not possess the indispensable elements to constitute a state capable of governing itself in peace, with preservation of even a portion of the culture and prosperity it has acquired under the Spanish flag; and the reasons which he alleges for pronouncing against its annexation appear to us to be very well founded.

All this is logical and natural; but as the Eco de Cuba very rightfully remarks, President Grant has not duly considered the deduction he draws, that "a friendly intervention is the only thing which can restore peace in the island, obtaining from the mother country the concession of autonomy under the protectorate of Spain."

The Island of Cuba not being able to govern itself well as an independent and sovereign State could still less do so as an autonomic semi-State, and in such circumstances it were in every way impossible for Spain to reserve to herself a protectorate which, without positive benefit to Cuba, would drag the mother country into the most serious complications within and without this territory.

To prove this absolute impossibility so many considerations throng to the subject that it is no small task to select the prominent ones.

In the Island of Cuba there exists an immense majority which does not desire separation, which does not desire annexation, which does not desire autonomy, which wishes to keep on in the same conditions as those in which they have lived with respect to the mother country. In the Island of Cuba there exists a slender minority which is split up into "independents," "annexationists," and "autonomists." The immense majority reject autonomy, which would weaken their ties with the mother country. The independents and the annexationists are not content with autonomy, which does not satisfy their aspirations. The autonomists would be the only ones left satisfied, but they are so few in number that they would lack moral and material strength.

The Eco de Cuba, then, is right: the Great Antilla is not fitted to be anything save what it has been hitherto. Thus it is that the right of Spain is supported by every kind of reason based on expedience. Therefore, in spite of all the efforts of the ambitious ojalateros (sans culottes) of New York, and in spite of the misdeeds of the criminals of the manigua, the Island of Cuba will continue to be a Spanish province.

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[Appendix C in No. 776.—Translation.—Extracts from an editorial article from *La Política*, Madrid, January 14, 1876.]

In the New York Herald of the 26th (ultimo) we find a conversation which took place between a reporter of that paper and the Secretary of State, Mr. Fish. That conversation demonstrates to what extent the news published by the North American press concerning complications between the United States and Spain are fantastical and of pure caprice. Our readers will also thereby see confirmed the opinion which we have always expressed, that the relations between the two Governments maintain themselves on a cordial and friendly footing.

This is what the Herald relates:

"As the press and public men on this side of the water, in Spain, and out of Spain are given to discoursing of combats, conflicts, and disasters growing out of the Cuban question, we hope that the positive language of the North American Minister of State will serve to calm impressionable minds and restore the truth of the facts."

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*Mr. Oushing to Mr. Fish.*

No. 777.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 16, 1876.*

SIR: I called on the minister of state yesterday, in conformity with previous request of his, to relieve his solicitude regarding the non-arrival of your instruction on the subject of his note of the 15th of November.

I told him that my dispatch, covering that note, only reached you on the 6th of December; that my last dates from you were on the 22d of December; that no more time had elapsed than might naturally be required for the due consideration of the points of detail involved; and that therefore there was no delay to give cause of solicitude.

He said it had occurred to him that you might have concluded not to act until after hearing from the European Governments whose opinion you had asked in the matter; and that in this view he had resolved to defer writing the contemplated responsive circular of Spain to those Governments until after hearing from you, as he was anxious to avoid saying or doing anything which might infer offense to the United States.

I expressed gratification at his taking this view of the subject, and said that his conjecture might be correct, but that I had no information on which either to contradict or confirm it.

He then proceeded to say that he wished you were seated by his side, as I was, that he might say to you in the unreserve of friendship and outside of diplomatic forms that the United States could desire nothing in the sense of peace, good government, or liberty in Cuba which the Government of Don Alfonso does not desire still more earnestly; that his Government freely admitted the political expediency and necessity of abandoning the old colonial system and of promptly consummating the emancipation of the slaves; that the predatory bands of runaway blacks, headed by foreigners from Dominica and Venezuela, engaged in the work of incendiarism and devastation, in face of which all the social forces of the island were devoted to self-defense, were the only obstacle to the introduction of radical reforms in Cuba; that if the slaves were now emancipated at once many of them would betake themselves to the mountains as maroons and become additional agents of disorder and bloodshed; that he did not admit as possible the idea that the President contemplates acts of naval or military hostility on the side of those incendiary bands in order to obstruct or possibly defeat the efforts of Spain to restore order, to do which would of course be simply the commencement of war of aggression against Spain; and that if it were in his power to speak to you directly he would embrace the privilege to beg you to tell him explicitly—as a friend, if you would permit, and if not, as a statesman and a man of honor—what is the precise thing which you would advise or wish Spain to do under the mediation of the United States, with the assurance that if the thing proposed were just and practicable—and he could not conceive that you would propose anything unjust or impracticable—Spain would be but too glad to do it, as well in her own interest as in good will toward the United States, and in the consciousness that the United States and Spain are by commercial ties inseparably associated in the question of the tranquillity and prosperity of Cuba.

I confess these remarks of Mr. Calderon y Collantes made an impression on my mind which he may or may not have intended, but which, nevertheless, seems to me to be the inner thought behind the words uttered, namely:

If what the United States contemplates is, whether by the use of their naval squadron or by landing troops, to intervene by force to prevent Spain from subduing the insurrection in Cuba, that is war, and Spain must, of necessity, fight, at whatever cost and ultimate loss, or cease to hold up her head as an independent nation either in Europe or America.

But if the view of the United States is to act by mediation in behalf of the insurgents, to induce them to lay down their arms, to make acceptable terms for them, to secure the execution of these terms, to provide for the introduction of good government and the abolition of slavery in officious concert or in formal treaty with Spain, then Spain is ready to meet the United States halfway in such action, to receive, and even invite, their interposition in the affairs of Cuba.

The impression on my mind to this effect was so strong as to half tempt

me to say, Will you then accept our mediation? But I restrained myself, in the doubt whether my present instructions would justify me in thus committing the United States.

I limited myself, therefore, to thanking him cordially for the frankness and friendliness which seemed to inspire what he said, and to assure him that I would lose no time in communicating the same to you, as nearly as possible in his own words, and regretting that no mere written report could do justice to the impressiveness of oral representation.

He then referred briefly to the mere robber character of what there is now of insurrection in Cuba, composed of scattered parties of negroes and mulattoes, without the slightest pretension to any government—directed, so far as they had any general direction, by foreigners, mere desperado adventurers, without right or stake in the country [I interrupted him here to say there were no citizens of the United States among them, to which he assented, and then continued], engaged in mere plunder and incendiarism, not in war—the worst form of that tendency to guerrilla hostilities in the place of regular warfare which the Spaniards had inherited from their remote Celtiberian progenitors, and which, if one of the glories, was not the less one of the national calamities, of Spain.

But of all this, he said, the President's message showed that we in the United States had a clear conception; and he added that neither such bad foreigners as Maximo Gomez in the Managua, nor worse Spaniards, like Miguel Aldama in New York, could ever make of Cuba any better republic than Haiti; and that appeared to be their only purpose—to ruin where they could not rule.

It was impossible for me conscientiously to contradict these appreciations, and therefore I could but listen attentively, and, when he had concluded, take leave, assuring him that he would be informed at once when my expected instructions should arrive from Washington.

The concluding remarks of Mr. Calderon y Collantes suggest to me some considerations, which you will permit me to subjoin by way of commentary.

The Spaniards have great qualities, as many a page in their history demonstrates, but they have also the defects of those qualities; and my dispatches have not been sparing in the exhibition of those defects, such as intolerance of opinion, exaggerated individualism, ill-regulated ambitions, disposition to pronunciamientos, insurrection, civil war, and especially guerrilla warfare.

The Spanish emigrants to America carried all their national qualities and defects with them, as did our own English, Scottish, Irish, and Dutch ancestors; and hence the difference between the colonial career and the political position of British America and those of Spanish America.

And of all Spanish America that which has presented the least balance of good condition is Cuba.

It is curious to read in the ample history of Cuba by Pezuela how at the outset the island was plagued with swarms of mere adventurers in the vain search after gold, the best of whom followed Cortez to Mexico, leaving the worst behind; how it was that in Cuba, as in Santo Domingo, by these adventurers the aboriginal inhabitants were exterminated, while in the rest of Spanish America these have increased in numbers; how for several generations afterwards the most profitable occupation of the settlers was contraband trade, with all its corrupting effects; how the colonial administration presented the spectacle of a chronic three-sided quarrel between the military, the civil, and the

judicial authorities; how, when the insurrection in French Santo Domingo put an end to the cultivation of sugar and coffee there, that cultivation passed to Cuba; how it flourished there, with the consequent development of slavery and the slave trade; how overflowing wealth ensued, and with it came ill-directed education, unwholesome ambitions, and traitorous plots of annexation to the United States, not for the promotion of liberty, but for the security of slavery; how thereupon and therefore came acts and measures of angry repression on the part of Spain, culminating in the present state of hostility between the peninsular Spaniards and the Cuban Spaniards.

If the Cuban emigrants in the United States are a proper sample, as they possibly may be, of the better Cuban Spaniards, what are we to think of those of average or inferior degree?

While those emigrants have made themselves ridiculous in spending their time in quarreling with one another in the newspapers and in public meetings, instead of fighting the common enemy in the field, they have rendered themselves odious by their systematic violation of the law of the land of their asylum, and the acts of fraud and perjury which that implies, and by their frantic hostility to the Government of the United States.

Meanwhile, we see what the insurgents at home are after six years' experience—incapable, as the President so clearly shows, of independence, unworthy even of the concession of belligerence.

If the emigrants in the United States were now in Cuba, if the insurgents in arms were to lay down their arms, could they and the rich sugar planters and merchants of the seaports and of the western part of the island, with or without anterior solution of the slavery question, live in peace together as a republic based on free popular suffrage, which is the only intelligible conception of a republic? To me it seems impossible. To say nothing of Santo Domingo, we may look to the case of Jamaica, where, without any civil war to embitter men against one another, with generously regulated emancipation, with a colonial policy just, nay amicable and even kind, it has been found impossible to maintain the existence of well-ordered society except by the constant exercise of paternal authority on the part of the metropolis.

All which leads me to the conclusion that the United States would have an immense task on their hands in undertaking the pacification of Cuba alone and by hostile force, inferring the necessity not only of a fleet and an army of operations, but also of occupation to keep the peace, but might well contribute efficiently to the result in cooperation with Spain.

I have the honor, etc.,

O. CUSHING.

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*Mr. Oushing to Mr. Fish.*

No. 770.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 17, 1876.*

SIR: The observations imputed to the President and yourself, as reported in my No. 776 of the 15th inst., continue to be the subject of a dropping fire of commentary in the public journals of Madrid, the most notable of which is annexed from the *Epoca*.

I have the honor to be, etc.,

O. CUSHING.

[Appendix A, No. 779.—Translation.—Article from *La Epoca* of January 15, 1876.]

The *New York Herald* of the 28th attributes to the Secretary of State, Mr. Fish, the following words upon the relations between Spain and the United States:

"There is not a word of truth in the stories relative to difficulties between the United States and Spain; the two countries maintain the best relations, and the slight difficulty originated by the reclamations in Cuba is on the best road toward amicable settlement."

The opinion is also attributed to the President that he considers the independence of the Island of Cuba impossible, and that its annexation to the United States would cause great harm to the country.

We are of the same opinion. The Island of Cuba, independent, would be worth no more than Haiti or Santo Domingo, and its rich products would cease to sustain the market of the United States. Mr. Grant is mistaken, for the adventurers in the manigua no longer obey political ideas of any kind, nor would they accept any form of government save that which exempts them from the penalties which they have merited by the ordinary crimes which led them to mingle in the forces of the rebellion. And as an autonomic state the Island of Cuba can not sustain itself, since should it cease to belong to Spain it would become the patrimony of the negro race. But as no one desires this, the Government of the United States will do better by allowing us to conquer the insurrection, as we shall finally overcome it, raising the production of the Island of Cuba to amounts never before known and instituting there the reforms which may be compatible with justice.

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*Mr. Fish to Mr. Cushing.*

No. 298.]

DEPARTMENT OF STATE,  
*Washington, January 19, 1876.*

SIR: Referring to previous correspondence on the Spanish question, I now inclose herewith, for your information, a copy of a dispatch under date of the 18th instant (No. 36)<sup>1</sup> upon the subject from Mr. Boker, the minister of the United States at St. Petersburg.

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 299.]

DEPARTMENT OF STATE,  
*Washington, January 21, 1876.*

SIR: Referring to my No. 298 of the 19th instant, transmitting a copy of a dispatch on the Spanish question from Mr. Boker, the minister of the United States at St. Petersburg, I have now to inclose herewith for your further information a copy of another dispatch under date of the 23d ultimo from that gentleman, stating that the Russian Government has consented to make representations to that of Spain upon the question, and that the Russian minister at Madrid has been instructed accordingly.

I am, etc.,

HAMILTON FISH.

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*Mr. Cushing to Mr. Fish.*

No. 786.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 21, 1876.*

SIR: I continue to make for your information such extracts from newspapers as appear to me most worthy of attention.

(1) I remark, first, that whatever inconvenience may be involved in communicating the correspondence to Congress will be fully compen-

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<sup>1</sup> See p. 132.

sated by putting an end to the false rumors which fill the newspapers and lead to misconstruction both in the United States and Europe.

(2) The report of a late interview with the minister of state will have served to show you how accessible this Government is to good influences on the part of the United States.

If we make ourselves the instrument, morally or by force, either of the maroon incendiaries in Cuba or of the false Cubans, who, instead of staying at home and taking up arms for their pretended country, run away from it to parade their desertion and their shame in New York, we shall, in my opinion, encounter serious trouble, while otherwise we shall have our own way in all things.

(3) I was impatient at first in view of the nonarrival of ultimate instructions, but have now become reconciled to this in the supposition that before acting definitely you will have desired to feel the pulse not only of the European Governments, but also of Congress.

(4) Don Alfonso's Government will be all-powerful in the Cortes, which is to assemble on the 15th of February; but that circumstance will not, in my opinion, produce any change of policy as regards the United States.

Indeed, the stronger the Government in the Cortes, the better for us; for according to constant experience in Spain, in every previous Cortes, while the Government has been disposed to calmness and conciliation, the opposition breaks out but too frequently into transports of hostility against the United States.

(5) Some of the French and German newspapers, you will see, misled by those of the United States, attribute the policy of our Government to electoral purposes; while the Spaniards, more candid or more keensighted, think they find the key to it in the interested clamors of the filibuster party in and out of Congress.

(6) At the same time, in spite of excitations to the contrary, the respectable journals of Madrid are constant in the expression of belief in the peaceful and just professions of the President and the Government of the United States.

I have, etc.,

C. CUSHING.

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[Appendix A, No. 786.—Translation.—Editorial article from *La Epoca*, Madrid, January 19, 1876.]

The New York papers lately received publish extracts from several journals of Madrid which have commented upon the message of General Grant, manifesting their surprise that these should attribute to him a spirit of hostility against Spain which, in their judgment, he is very far from holding. The desire of the first magistrate of the great American Republic and of his Cabinet is, on the contrary, to maintain the cordial relations which happily exist between the two peoples, avoiding whatever difficulties might compromise those relations for the future. In Madrid, say the New York journals, the signification of the message has not been well understood, for its general tone is conciliatory and friendly.

In this sense we ourselves construed it on examination, and the facts have since come to show the exactness of our appreciations. President Grant has to satisfy the exigencies of a certain group, not very numerous, but excitable in the extreme, which sympathizes with the Cuban insurgents, and whose opposition might run counter to his aspirations to the third Presidency of the Republic; and, nevertheless, on examining that document with due attention, not a single phrase of encouragement for them can be found in it. The hopes of obtaining the declaration of belligerence in favor of the rebels of the Managua are completely dispelled; there is nothing in the message which can be construed as a menace nor inspire fears of the most remote danger, and the idea of European intervention in the affairs of Cuba, vaguely formulated, has had no other object than to silence to a certain extent the exigencies we have mentioned, without the Government of Washington showing much zeal in sustaining the idea. Such a project may be regarded as a failure. It is so, assuredly, after receiving from the Governments of Europe communications

wherein they refer to it with marked indifference and do not show themselves disposed to second it.

The change of attitude which is observable in the North American press reveals the tendency which dominates in the country, openly contrary, not merely to war, but to any solution which would make of independent Cuba a new Santo Domingo. It is very well known there that upon the separation of the Great Antilla from the mother country, it would fall under the brutal dominion of that crowd of bandits and incendiaries who mark their raids by leaving behind them heaps of ruins; and the United States, which keep up such important mercantile transactions with that Spanish province, would be the first to suffer the evil consequences of the separation. The interest of commerce, which prevails in all the acts of the American Government, demands that Cuba should be what it was before the present destructive insurrection, and that its wealth, which has been such a source of profit to the Great Republic, should increase. This can not be obtained without restoring tranquillity under the shadow of the Spanish flag, and it will be obtained, cost what it may, by the patriotic effort of the whole nation, resolved to maintain its integrity and regain its greatness.

Thus, doubtless, is the matter understood by the North American Government and people, whose attitude is day by day more strongly marked in favor of our country. The communications of the minister of foreign affairs in Washington, and the friendly spirit which reigns in the conferences of his representatives in Madrid, remove all fear of future complications, which can only have existed in the imagination of the laborantes and their sympathizers.

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[Appendix B, No. 786.—Translation.—Editorial paragraph from *La Epoca*, Madrid, January 20, 1876

We are informed from Paris, on the 15th, that the correspondence from New York in the English and German press is occupied with the American note addressed to the Powers concerning the question of Cuba.

All are unanimous in roundly denying that the United States entertains any intention, even remote, of intervening directly in Cuba.

The correspondent of the Times supposes that the note has for its cause the impatience to which the prolongation of a struggle which causes serious injuries to commerce gives rise in the United States.

The correspondent of the Frankfort Gazette asserts that the American Chambers will in no case give their approbation to an intervention in Cuba, and conjectures that nothing more than a fresh maneuver of the Grant party is to be seen in this note.

The Paris Journal sums up these comments in a paragraph of its bulletin, deducting as a consequence that the note is contrary to all diplomatic traditions of the Union, since it consults the powers about a question which only interests Spain, Mexico, and England. It adds that the only thing to be seen in it is an attempt on the part of Grant to make profit of this question in favor of his third reelection.

We have already said yesterday that our own news was entirely tranquillizing; that in the Cabinet of the United States the best disposition prevails, and that to this result have contributed the loyal, and at the same time dignified explanations of our Government, as well as the knowledge that the commerce of the United States has much more to gain under the possession of Cuba by Spain than by means of reckless schemes otherwise arising. To such a point does one of our friends in New York carry his assurances that, in a recent letter, he announced to us the possibility that the American Cabinet itself would take upon itself the responsibility of guaranteeing to Spain the possession of her Antillas, joining to this new commercial ties.

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*Mr. Fish to Mr. Oushing.*

No. 301.]

DEPARTMENT OF STATE,  
Washington, January 25, 1876.

SIR: The German minister, Mr. Schlözer, called to-day, and I give the substance of the conversation which took place between him and myself.

He said that he was instructed by the minister of foreign affairs to express thanks for the friendly communication which was made to the

German Government of the instruction to Mr. Cushing, referring to that of November 5, 1875, No. 266, and to state that they feel the justice of our complaint and appreciate the moderation of our conduct; that German interests suffer in the interruption of commerce resulting from the condition of affairs in Cuba, and that her citizens have also sustained wrongs, but that she does not feel disposed at present to take any decided steps.

I remarked that Mr. von Bülow had given our chargé d'affaires to understand that their minister in Madrid would be instructed to represent to the Spanish Government that in the opinion of Germany the United States was justified in her complaint and in the wish for an early termination of the conflict in Cuba.

Mr. Schlözer's reply was equivocal. He answered: "Oh, yes; but you know in these matters the Governments of Europe like to act in concert."

I answered that this was the object which induced us to communicate with the great powers simultaneously, believing that they would feel, as we understood Mr. von Bülow to have expressed himself, the fairness of our position, and believing that a simultaneous expression to that effect could not fail to exercise a powerful influence in inducing Spain to appreciate the necessity of bringing to a termination a war which had lasted for more than seven years, without any apparent approach to a result, and which was now threatening the destruction of the producing capacity of the island.

He inquired whether I could tell him the course which Great Britain proposed to take.

I answered that I supposed that Great Britain would communicate with Germany if she wished to know the views she had of the matter; that I did not undertake to express them for her, but I believed that she recognized the justice and moderation of our position, and the importance of an early termination of the conflict.

I called attention to the fact that we neither sought nor desired any physical force or pressure, but simply the moral influence of concurrence of opinion as to the protraction of the contest.

He assured me his Government agreed with us, but I could obtain from him no intimation that it was intended to inform Spain that such was the fact.

As this seems to place Germany in a different attitude from that indicated in Mr. von Bülow's conversation with Mr. Fish (as communicated to you in my No. 286), it seems proper to make known to you the substance of the interview.

I am, etc.,

HAMILTON FISH.

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*Mr. Cushing to Mr. Fish.*

No. 794.]

LEGATION OF THE UNITED STATES,  
*Madrid, January 28, 1876.*

SIR: I annex four or five items which appear in the Correspondencia, numbered 1 to 4.

I am not sure what the exact meaning is of Nos. 1 and 2, but transmit them as they stand.

I have, etc.,

O. CUSHING.



[Appendix A, No. 794.—Translation.—Sundry items from *La Correspondencia*.]

## No. 1.

A telegram from Washington was received last night at the ministry of state denying that the note had been addressed to the Spanish Government, of which the newspapers have spoken, and which was supposed to have been communicated to the other European powers.

## No. 2.

[Telegram.]

VIENNA, *January 26.*

The ministry of state has asked confidentially of the American minister at this court a copy of Mr. Fish's circular referring to the affairs of Cuba. The representative of the United States, after reflection, has refused, for which reason it is believed possible, later on, that a new American note will be presented.

## No. 3.

From January 1, 1875, up to January 21, 1876, there have been embarked for the army of the island of Cuba 28,445 soldiers in 43 expeditions. This cipher proves all we have said on different occasions with respect to the zeal and activity displayed by the respective departments of the ministry of war, in order to endow the army of Cuba with the forces needed to put down the insurrection.

## No. 5.

The Times of the 24th instant, referring to the note of the American minister, Mr. Fish, says:

"We are sure that Lord Derby and the ministers of the other powers, will reply courteously to the invitation of Mr. Fish; but the question of knowing whether we ought to intervene between Spain and her rebellious colony is much less evident. It is not probable we shall do more than give a simple counsel, in case we go so far as to give any, unless it be that our honor and our interests would suffer; for the complaints which have any real foundation are the business of Spain alone.

"Nevertheless, it is possible that the powers may take part in a convention, which, guarding the honor of Spain, shall terminate the question of Cuba."

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*Mr. Cushing to Mr. Fish.*

No. 799.]

LEGATION OF THE UNITED STATES,

*Madrid, January 31, 1876.*

SIR: In continuance of the purpose of transmitting to you from time to time newspaper paragraphs indicative of public opinion respecting, especially, the question of intervention, translation is annexed of an article of *La Patria*, which is supposed to express views of the minister of gobernacion, Mr. Romero y Robledo, lately married to a daughter of D. Julian Zulueta.

The journals of Madrid abound with discussions of the supposed electoral prominence of the religious question in the United States.

Several of them also are occupied with examination of the condition and fortunes of our Indians, with appreciations to our prejudice, drawn from the book of Mr. Pumpelly.

I have, etc.,

C. CUSHING.

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[Appendix A, No. 799.—Translation.—Extract from *La Patria* of January 29, 1876.]

The English journal (the Times) doubts whether its Government will go so far as to interfere in our affairs in the way the Cabinet of Washington seeks, but at the same time it says that the powers may aid in forming a compromise which may save the honor of Spain while terminating the Cuban question.

This, after all, is no other than a friendly intervention, which reveals the good spirit wherewith the English people is animated with respect to Spain, but we do not know to what extent our Government would conform to the intervention of the powers, provoked by that of Washington, in order to bring about the settlement of the affairs of our country in Cuba—a settlement which pertains solely and exclusively to ourselves.

At any rate, it is needful that the exaggerated pretensions of the North Americans should receive a corrective on the part of our Government, and we doubt not that it will receive it, within the bounds of dignity and decorum befitting a nation which, in the settlement of affairs which are its own, and exclusively its own, can not permit interferences founded in strange captiousnesses and in imaginary dangers and prejudices.

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*Mr. Cushing to Mr. Fish.*

No. 804.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 5, 1876.*

SIR: I annex, in translation, extracts of a notable editorial article of the *Política* respecting the present relations of the United States and Spain.

I have, etc.,

C. CUSHING.

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[Appendix A, No. 804.—Extracts translated.—Leading editorial from *La Política*, Madrid, February 4, 1876.]

AMERICAN AFFAIRS.

The notices which the transatlantic cable has brought to us with respect to the political spirit which reigns in the United States with reference to the question of Cuba are too serious to permit of their not being taken up by the Spanish press, the duty of which is to watch over and defend our interests on the other side of the ocean. The field of politics is a vast chess board, where, from the king to the pawn, not a move can be made without affecting in a greater or less degree the situation of all the other pieces. Thus it is that the agitation aroused in the United States with respect to the political affairs of Cuba, which, it would seem, ought merely to be confined to the United States and to Spain, has taken such a turn that to-day all the principal powers of Europe are playing a part in this affair. Can the Spanish press, therefore, remain meanwhile indifferent and silent? We think not.

What is the matter?

The matter is that the Government of the United States, whose President, Mr. Grant, had already announced in his last message another special one on the Cuban policy, has passed to its representatives in Europe a note, to the end that, without leaving a copy of it, it may be read to the European ministers of foreign affairs. The object of the note has doubtless been to enable the Cabinet of Washington to discover indirectly the impression which would be produced by its interference, direct or indirect, in the relations of Spain with her Antillean province; but even though this note may have merely been a pilot balloon to get the drift of European sentiment it has for that reason none the less attracted the attention of political men.

We do not know whether this reserved communication to the European nations will receive anything else than a purely polite and diplomatic welcome, but what is very probable, in our opinion, is that none of them is disposed to accept an active part in an enterprise having for its object to exert upon Spain a pressure which could be interpreted as a minatory act.

We do not doubt that the sensible party of the United States would see with satisfaction the termination of the Cuban conflict, out of respect for the laws of humanity; but who better than that same North American Republic could have prevented the duration of that sanguinary war by simply complying with and causing its subordinates to comply with the laws which prohibit the sending of resources, arms, and munitions to an insurrection born in the bosom of a friendly power? For, if the custom-houses of New York, of Charleston, of Savannah, Mobile, and New Orleans, in fulfillment of existing laws, had detained the filibuster ships laden with arms and

munitions for the insurgents and thus aiding in warfare against a friendly power—if they had prevented these violations of international right—then but a brief time would have passed before the insurrection, which had its origin on the banks of the Yara, had succumbed, without having so much prolonged its existence, or having caused such disasters, or having counted so many victims. And, if this be an evident and palpable fact, how is it that the United States to-day recall the name of humanity, and to what result do the judgments of humanity lead when invoked by the nation which might have arrested the career of the evils which it to-day recognizes?

Nearly eight years have passed by, and the mother country has had not merely to meet the serious difficulties which follow in the train of a reckless insurrection, but it has also had to sustain a hand-to-hand struggle because of the conflicts excited against Spain by permanent elements in the American Union which sympathize with the Cuban insurrection. And when all the combustibles have been accumulated for a conflagration, and the blaze has been kept knowingly stirred up, it is a rare sight to see those who have done all this lamenting the ravages of that fire, shrinking appalled from its horrors, and clamoring before Europe for the rights of humanity.

It is not that we ourselves fail to lament the horrors which, there as elsewhere, are involved in civil war. We have valiantly condemned acts which have taken place in the island, but of which acts we everywhere find like examples, even in the civil war of the United States. We appeal to the families of the Confederate States during the titanic contest between the States of the North and of the South of the American Union to tell us whether we are, or are not, right?

And if, from the point of view of humanity, we do not recognize that the United States have either the right or the opportunity to take the initiative which they have taken in the Cuban question, still less could we concede it to them if they appeal to the resource of supposing that the Cuban war affects their commerce. The North Americans are intelligent men in questions of figures and statistical calculations, and they know that the commercial relations between the United States and Cuba have increased during these last eight years in spite of the war; and, therefore, the excuse that the war affects their commercial interests can not serve for their intervention. There is no need of our reproducing the statistical data which demonstrate the increase of commerce between the Island of Cuba and the United States during the Cuban war, because they are data known to all the world, and which will easily be found by the North American dailies.

What remains besides that which has been set forth to serve as a support to the United States in order to pretend to the direct or indirect intervention which they propose? In our conception, it has for its basis no other thing than the eternal tendency which, from beginning of the century and from one motive or another, has been ever manifested by the partisans of the Monroe doctrine—a policy which served to rend from Mexico the greater part of her territory; a policy which has ever sought to deprive Spain of the brightest jewel of her crown, of the jewel which symbolizes a world of memories for the nation which discovered America.

The notes of Mr. Henry Clay to Mr. Everett in 1825, to the end that Spain should conclude the wars of Mexico and Colombia for the sake of humanity; subsequently those of Mr. Buchanan to Mr. Saunders, minister in Madrid, for the purchase of Cuba for one hundred millions of dollars, recommending him to get it as cheap as possible; the mission of Mr. Soulé; the Ostende conference; the refusal of the United States to subscribe the compromise with England and France to guarantee to Spain the possession of the Island of Cuba, and a thousand other antecedents which we might evoke, if the scope of this article permitted us to do so, are the key to explain this stroke of humanity with which the United States present themselves before Europe, soliciting its moral cooperation to end the war in Cuba.

The Government must understand it thus, as will Mr. Canovas del Castillo and Mr. Calderon y Collantes, both eminent statesmen of Spain, and profoundly acquainted with the North American policy, and they will doubtless have presented before the courts of Europe the true aspect of the Cuban question; and we do not entertain the least doubt of the support which our Government will receive, sustaining its dignity and its rights.

But, at any rate, what is undoubtedly indispensable as a measure of salvation is that this insensate insurrection in Cuba, which gives rise to so many conflicts, be terminated as soon as possible. The Carlist war is already dominated, and if the 30,000 soldiers who have recently crossed the Atlantic be not enough to pacify the island let there be speedily sent as many more as may be necessary in order to obtain that object, and let the reforms be made which ought to be introduced for the purpose of bettering the financial state of the island and rendering the operations of the campaign more effective.

*Mr. Fish to Mr. Oushing.*

No. 311.]

DEPARTMENT OF STATE,  
*Washington, February 9, 1876.*

SIR: Your dispatch No. 779, of the 17th ultimo, has been received. It relates to the continued comments of the public journals in reference to certain observations on Cuba imputed to the President and Secretary of State, and incloses an article from *La Epoca* in regard thereto.

In reply I have to state that while the remarks attributed to the President and Secretary of State in the article from *La Epoca* above referred to may not be very far from what they might be inclined to have said, newspaper reports of interviews or of attributed opinions or speeches are not to be relied upon. In this country their general value, or rather want of value, is understood.

I am, etc.,

HAMILTON FISH.

*Mr. Oushing to Mr. Fish.*

No. 828.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 14, 1876.*

SIR: In my interview with the minister of state of the 12th, the conversation passed at length naturally to the question of our intervention in Cuba.

I observe, by way of preface, that the intervention of the great powers in Turkey is, of course, the subject of universal interest in Madrid, the more so as the Spaniards regard it in the light of its analogies with the suggested possible intervention of the United States in the affairs of Cuba.

I said to Mr. Calderon y Collantes that, approaching, as now, the conclusion of the various special questions at issue between the two Governments, it might be my duty at an early day to communicate with him on the larger and more purely political question of the general state of Cuba.

He replied that he had already addressed to Mr. Mantilla a "memorandum" setting forth the views of the King's Government on the subject, in opposition to the suggested intervention, with instructions to read the same to you, or, if you desired, to deliver to you a copy; that the ministers of Spain at other courts had received copies for the purpose of reading the same to the respective Governments, as in the case of your note to me of the 5th of November, and that he trusted this document would satisfy you of the inconvenience of the idea of intervention.

Parenthetically, let me note that in the newspapers of to-day appears a telegram from Paris in the following terms:

The Spanish memorandum on the subject of Cuba has been received in several courts of Europe. Various periodicals give extracts therefrom. It is written skillfully, and has produced an excellent impression.

Returning to Mr. Calderon y Collantes, he said there was no difficulty on the part of the Spanish Government in the introduction of all practicable reforms in the organization or administration of Cuba, including emancipation, which it was resolved to do, with or without any friendly suggestion on the part of the United States; that, on the con-

trary, the whole difficulty lies with the rebels and the impracticable Cuban emigrants in Paris and New York, who obstinately repel even the idea of autonomic institutions in Cuba like those of Canada and other colonies of Great Britain, and thus leave to Spain no possible means of action but force.

He concluded from these premises that it was not Spain to whom pressure needed to be applied in order to put an end to the present calamitous state of things, but the rebels in arms and their sympathizers and pretended directors abroad; that while in the matter of Turkey the mediating allies in taking the step of suggesting reforms in the administration of Bosnia and Herzegovina admitted the consequent duty of taking a second step, that of exerting their influence to induce the rebels to cease from rebellion, the United States appeared to stop at the first step, that of assuming a menacing attitude toward Spain.

I replied that he might rest assured of the truth and sincerity of the repeated assurances of my Government, repelling all suggestion of hostile purpose, avowing, on the contrary, the most friendly ones, and anxious only to see the end of a warfare of desolation and bloodshed in a possession contiguous to our shores, and socially and commercially in the closest relation with us, so as to render the actual state of things intolerable to us, and that the subject would be reverted to by me again at an early day in a more deliberate manner.

I may here observe in passing that the concentration of our ships of war at Port Royal impresses the Spaniards as a menace against Spain. They say: We have not made any naval demonstrations in the waters of the Antilles; we have done nothing to call for defensive preparations on the part of the United States, and we are unable to account for these naval preparations of theirs, unless intended for the invasion of Cuba in aid of the insurgents, in imitation of the action of Navarino.

Their suspicions in this respect stand greatly in the way of mere friendly diplomatic negotiation in the sense of mediation.

Now, as to the naked question of intervention or mediation in Cuba, the only foreign minister here who speaks to me in a helpful spirit is Mr. Layard. We have an appointment for some day this week to consider and determine how far his instructions enable him to support me; in other words, up to what point in this direction the United States may count on the support of Great Britain.

I have no information on this point later than General Schenck's report by telegraph of December 2, on the subject of his interview of that date with Lord Derby, wherein reservations of moment are made by the latter, not only as to the object and aim of intercession, but also as to the definite conclusions of the British Government.

I may remark that we stand in no need of the good offices of other Governments in the matter of our private griefs; on the contrary, my colleagues think that in this respect we are more favored than they by this Government.

The critical question is, How far any of them will go with us in the direction of intervention, if that be repelled by Spain.

As to this, it will be in my power to write to you in the course of a few days.

I have, etc.,

O. CUSHING.

*Mr. Fish to Mr. Cushing.*

No. 315.]

DEPARTMENT OF STATE,  
Washington, February 16, 1876.

SIR: Referring to previous correspondence on the subject, I have now to inclose herewith, for your information, an extract of a dispatch from General Schenk, at London, a copy of two dispatches from Mr. Davis, at Berlin, and of one from Mr. Hitt, the chargé d'affaires ad interim, at Paris, all of which relate to the Spanish question.

I am, etc.,

HAMILTON FISH.

Inclosures: Mr. Schenk to Mr. Fish, January 28, 1876, No. 862 (extract); Mr. Davis to Mr. Fish, January 22, 1876 (No. 249); Same to same, January 26, 1876 (No. 254); Mr. Hitt to Mr. Fish, January 23, 1876, No. 1279.

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, February 18, 1876.

FISH, Secretary, Washington:

Two more of the three remaining claims settled.

Question of judicial procedure goes on without controversy.

I begin to think mediatory arrangements between the two Governments by themselves, without aid from others, may not be impossible.

I need indication of bases.

CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 835.]

LEGATION OF THE UNITED STATES,  
Madrid, February 18, 1876.

SIR: Mr. Layard has made me acquainted with the negotiations for the pacification of Cuba in 1870, undertaken by him at the instance of Mr. Moret, in Madrid, and continued in concert with the United States, at Washington, on the basis of the submission of the insurgents, emancipation, radical reforms of colonial administration, and general amnesty, with exception of such compromised insurgent chiefs as should elect to leave the island in ships of war provided by the United States.

He seems to think this plan a feasible one in itself, but that neither that nor any other project of mediation would be seasonable now, nor until the Spanish Government shall have gone through with its present experimental winter campaign in Cuba.

Taking as a point of departure the conclusive exhibition in the President's message of the present unfitness of the insurgents in Cuba for independence, or even for a concession of belligerence, and also the explicit disavowal on the part of our Government of any wish or purpose to acquire Cuba—on these premises, the point, which most labors in the minds of the Spaniards, is the question as to the precise form of intervention contemplated by the United States.

In this connection there is much comment on the line of action pursued by the intervening powers in the matter of Bosnia and Herzegovina,

as being the reverse of that pursued by the same powers in the matter of Greece. Seeing that in the latter case the demonstration of force was against Turkey and in favor of her rebels; while in the former, it is against the rebels and in favor of Turkey, as manifested by the concentration of Austrian troops in Croatia and of a fleet of the allies off Ragusa, in the avowed purpose of compelling the impenitent and persistent insurgents to accept the terms of reform arranged at Constantinople.

I have, etc.,

O. CUSHING.

*Mr. Cushing to Mr. Fish.*

No. 841.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 19, 1876.*

SIR: I have received from the minister of state a copy of the memorandum addressed by him to the representatives of Spain in other countries, including the United States, on the subject of Cuba.

Copies have also been sent by him to the other foreign ministers in Madrid.

He informs me that Mr. Mantilla has been instructed to deliver to you a copy of the memorandum, which relieves me of the necessity of sending to you the copy in the possession of the legation.

I have, etc.

O. CUSHING.

*Memorandum by Sr. Fernando Calderon y Collantes given by Antonio Mantilla to Mr. Fish, Secretary of State.*

MINISTRY OF STATE, POLITICAL SECTION,  
*Madrid, February 3, 1876.*

**MOST EXCELLENT SIR:** The great interest which Spain feels in the suppression of the insurrection which broke out years ago in the Island of Cuba renders it the imperative duty of Spain to rectify all the errors to which the rebels have undertaken to give currency, by rendering perfectly evident, by means of irrecusable facts, the real animus of that insurrection to-day, laying aside the consideration of its origin; by showing, moreover, what would be the consequences of any settlement of the question other than the complete triumph (which will be gained) of Spain over the insurgents; the real effect which that state of things has had and continues to have upon the wealth of the island, the commerce of the world, and, finally, the resources upon which Spain relies for the complete suppression of the insurrection, as, notwithstanding the civil war which has unfortunately raged on its soil for years, and the notorious contretemps which have been experienced of late years, and which have so greatly weakened the action of the Governments, it has not only succeeded in repressing it, but also in constantly diminishing its importance.

The first cry of insurrection was raised at Yara, an unimportant town situated in the eastern department of the island, on the 11th day of October, 1868, immediately after the receipt of the news of the revolution begun at Cadiz on the 17th of September, and consummated at Madrid on the 29th of the same month. The leaders of the rebellion availed themselves of the preparations which they had doubtless previously made, and of the favorable circumstance that the Government had not more than 7,500 troops all told on the island at the time, and that, too, for a territory peopled by 1,400,000 inhabitants, and having an area of 12,000 square miles, including the keys and the adjacent islands. The flag of the independence of the island was not raised at the outset, much less that of annexation to any other State. The only cries were, "Hurrah for Prim!" that general being there regarded as the leader of the Spanish revolution, and "Hurrah for the revolution!" Thus it was that many joined in the insurrection who, while really loving Spain, thought that the only object had in view was a political change, and, subsequently repenting when they became aware of the tendency which the enemies of the country were seeking to give to the movement, voluntarily took up arms against it. It may be admitted, however, in examining this question with the constant good faith and sincerity with which the Government of Her Majesty proposes to treat it in this memorandum, very soon after the outbreak of the revolution, it assumed a character of opposition to the domination of Spain, because such was the purpose of all who obtained control of the rebel forces and who directed their movements as leaders.

It can not be denied that the movement for secession subsequently carried away a part—certainly not the greater or the more important—of the white population of the island, especially the unreflecting and rash youth, who, misled by their own inexperience, imagined that it was possible to establish an independent and republican government in a country in which the African race formed by far the major portion of the population, and was still in a state of slavery. This secessionistic tendency was disguised under the apparent desire of securing reforms in the government of the island. It soon became apparent, however, that this was only a pretext. Reforms and franchises were granted which have never been excelled or even equaled by any nation, and the rights were introduced there which are proclaimed by the democracy of both Europe and America, which rights had never been enjoyed even by the Spaniards themselves. Far from showing any gratitude for such ample and important concessions, the rebels took advantage of them to foment the insurrection, which, far from diminishing, increased in extent and intensity. The struggle was still carried on, however, with a certain kind of regularity, and both parties respected the property which has since been so barbarously destroyed by the new insurgent leaders and soldiers.

All this is now changed, and of the leaders of the secession movement, Cespedes, the Agramontes, Cavada, Donato, Marmol, Castilla, Mola, the Betancourts, the Agüeros, Jesus del Sol, Bembeta, Salomé Hernandez, Marcono, Inclan, Goicouria, Rosas, and others, all of whom were Cubans, and really opposed to Spain, not one is now living. Of those who have succeeded them in the command not a single one is a Cuban. Máximo Gómez, the principal one, and Modesto Diaz, the next in importance, are Dominicans; Kulo is a Pole; the person known by the nickname of "el Inglesito" is an Englishman; and the rest, who are now few in number on account of the great diminution of the insurgent forces, are adventurers from various countries, without antecedents, and having no interest in the island. The same may be said of almost all the insurgents. Their forces now consist of negroes, mulattoes, Chinese, deserters from the battalions which were formed provisionally in Santo Domingo during our brief rule there, and a few independent bodies which were formed in Spain during the most disorderly period of the revolution, and which were largely composed of the most turbulent elements of the country, and it may be confidently asserted that there are to-day not more than eight hundred white natives of Cuba with arms in their hands in the insurgent ranks.

The consequence of this radical change in the elements of the insurrection is that what could be considered in the beginning as a struggle for independence has now assumed a character of ferocity and become a war of races and of devastation, which it was not before. Wherever a band of insurgents make their appearance, they steal and plunder everything that they can lay their hands on and set fire to the crops and buildings. The acts of this kind which have been committed there are all their work; not a single instance can be pointed to in which such a deed has been committed by our troops. The reason is that the insurgents carry on a savage warfare, without feeling any affection for the soil on which they tread, while our troops defend it as a possession of the mother country. It is easy to estimate what would be the consequences, not only for Spain but for the world at large, of the triumph (which is fortunately quite impossible) of such an insurrection. If such a triumph were once gained through the efforts of the negroes, mulattoes, and adventurers, the power would be in their hands; they would establish such a government as their capacity would permit, and, far from being the commencement of an era of peace for the island and of security for the interests of Europe and America, it would be the utter ruin of them all and the end of all civilization.

It would be a very great error to suppose that the Cuban emigrants in the United States, who only send good wishes and advice to the insurgents, taking good care to keep out of harm's way themselves, would be able to constitute a government. Those among them who were brave enough to face death on the battlefield have almost all either fallen or surrendered; and in every civil contest the party which triumphs through its own efforts, and by shedding its own blood, has a right to the chief authority, takes possession of it, and does not give it up to or divide it with those who have done nothing. It is evidently therefore to the interests of all Europe and America, and even of the white race in Cuba, not to encourage, either directly or indirectly, as they might sometimes do, against their own will, the insurrection in Cuba; it is to their interest that the insurrection should result in the triumph of Spain, which will be at once the triumph of law and civilization, and the only one that can offer solid guarantees to all interests and preserve the regular relations which should be maintained by civilized nations with all countries. Any other solution would be not only ineffective, but contrary to the true and well-understood interests of humanity and civilization. Even if the Government of Spain could, with a proper regard for its own dignity, enter into any other kind of arrangement, it would have no one to treat with, for no one could expect it to do so with the half-savage negroes and mulattoes, or with the Chinese, Dominicans, deserters, and adventurers, who are the only ones who hold the real power of the insurrection. The triumph of Spain would soon be followed by the judicious but total abolition



of slavery, which still exists in Cuba in spite of the sincere wishes of His Majesty's Government; it would insure the administrative reforms which have been offered to the island; it would open the door to the representation of the inhabitants in the Congress of Deputies; and finally, it would speedily bring to pass what will in vain be sought by other means.

Guaranties of the sincerity of these assertions, and of the firmness and resolution with which Spain would make them good, are to be found not only in the measures which have already been carried out in Puerto Rico, but also in those which, notwithstanding the insurrection, have been adopted for Cuba, by virtue of which more than one-third of those persons who were held as slaves have obtained their freedom. In Puerto Rico, which has remained faithful to the mother country, and where perfect order has prevailed, slavery ceased to exist several years ago. Those who were slaves are now freemen, and as such they make contracts with their former masters, and the most perfect harmony prevails between the two classes. That island will send its freely-elected senators and deputies to the next Cortes to represent it and to defend the rights and interests of that important province, which now differs in no respect from the other provinces of Spain. All this would have been accomplished in Cuba had it not been for this unjustifiable insurrection, which is a disgrace to civilization, and all will be established there when peace shall have been reestablished. The Government of His Majesty has made every effort to bring about this result, and there is no sacrifice that it has not made and is not willing to make in order to secure it.

In the midst of a formidable civil war, in which liberty and the conquests of modern civilization are hazarded, it has sent since the accession of His Majesty to the throne—that is to say, in one year—28,445 soldiers of all kinds, who would have been very serviceable to it could they have been used against the Carlist forces. When General Jovellar was asked for by public opinion as governor-general of the great Antilla, on account of the excellent record which he had left there before, His Majesty's Government did not hesitate to let him go, although it had for some time been intending to give him another important command in the peninsula; and if, as there is every reason to expect, the civil war is soon brought to an end in Spain, a new army will at once be sent to Cuba, which will speedily give the deathblow to the already expiring insurrection. Even without this His Majesty's Government has sufficient forces in the island to secure this result, although of course not so speedily. We have the following land and naval forces there, and I do not fear that the correctness of this list will be disputed:

Forty-five vessels of all classes, with a nominal force of 4,770 horses, 135 cannon, and 2,426 seamen; 55 battalions, 6 regiments of cavalry, 2 of artillery, 1 of light field troops, 1 company of naval mechanics, 3 regiments of civil guardsmen, 1 sanitary brigade, 1 battalion of engineers, 33 companies of skirmishers, 2 squadrons of dragoons, and 1 transport brigade, making altogether a total of 273 chiefs, 3,064 officers, 68,115 soldiers, 8,478 horses, 462 mules, and 42 pieces. Since the foregoing enumeration was made, moreover, 10,370 men have embarked for the island.

There are also the volunteer bodies, consisting of natives of the Peninsula and Cubans, amounting to upward of fifty thousand men. These last figures are official and irrecusable, and show what is the true spirit of the island and its adhesion to the mother country; for while the Cubans who are fighting for the insurrection are less than one thousand in number, those who have voluntarily taken up arms against it number more than forty thousand. There is one fact which may seem incomprehensible to those who have not carefully considered the matter and who are not familiar with the nature of the war in Cuba and the topographical characteristics of the territory in which it is carried on. I refer to the duration of the contest in spite of the disparity existing between the forces of the contending parties; and yet this fact is susceptible of an easy explanation, and numerous analogous instances in the history of nations may be adduced. For the very reason that the Cuban rebels are, for the most part, negroes and mulattoes, they do not experience the ordinary necessities of civilization. They are able to live in the jungles and deserts of the island, and thence fall upon estates and other property like birds of prey, pillaging and applying the torch of the incendiary. They live on the fruits of the country, such as the plaintain and others which grow spontaneously in that fertile soil. Salt, and hogs and other animals are so numerous that they are everywhere met with, and serve as food.

A single fact will suffice to convince anyone of the strength of this element as an aid to the insurrection. The Baracoa district, having an extent of 90 miles, had but 42 inhabitants, while there was about the same number in Las Tunas and the territory which separates the Mayari district from Guantánamo. The average number of inhabitants to the square geographical league throughout the island is 350. It is not, therefore, to be wondered at that the insurgents should be able to sustain themselves as nomadic tribes in a country of such a character—uncultivated, almost a wilderness, extremely broken and mountainous, and covered with immense forests which can not even be set on fire by reason of their constant and extraordinary *humidity*. Thus it is that they have never been able to establish even the shadow

of a government. If the insurgents were regular troops and carried on a civilized warfare, the contest would long since have been ended by two or three battles. The matter, however, becomes one of much greater difficulty when they avoid all fighting save from an ambuscade, and run and hide when they see our troops, in order to meet again in their lurking places when the danger is past.

It is thus seen why it has never been possible to entirely destroy the so-called palenques, or bands of fugitive negroes, who have fled from the estates, and who seek refuge in the aforesaid Baracoa district. Even when the island was in a state of profound peace, neither the battues of the inhabitants of the towns nor the pursuit of our troops could accomplish this.

Instances of the long duration of wars of this kind are neither new nor rare. To causes similar to those mentioned was due the fact that the United States, notwithstanding their immense resources and the enormous disparity which existed between the forces of the combatants, required more than double the time that the insurrection has lasted in Cuba to suppress the one in Florida. France too, with all her power, was many years in subduing the rebel tribes of Algeria; and scarcely is there a nation in the world that does not furnish similar instances. The effects of the insurrection, although deplorable, as the effects of an insurrection always are, have not sensibly diminished the wealth of the island; this is due to the fact that the insurgents have not been able to burn the many and rich estates of the western department, which is the most wealthy of all, both in point of population and production, as may be readily seen by glancing at the map of Cuba which accompanies this memorandum, and as is proved beyond all doubt by the following official and irrecusable data:

In the western department there were and still are—for, far from diminishing, their number has increased during the war—1,070 sugar estates, while in the central department there were but 102, and in the eastern 200. The quantity of sugar produced in the first-named department amounted to 500,000,000 kilograms, which quantity has also been increased, while that of the second only amounted to 17,000,000, and that of the third to 35,250,000 kilograms. The quantity of tobacco produced in the western department is 44,000 quintals, in the central department only 5,500, and in the eastern 252,000. It must be remembered that in the territory comprised between Pinar del Rio and Guanajay, in the first of those departments, the exquisite tobacco known as that of La Vuelta de Abajo is exclusively produced. The price of this tobacco is constantly increasing, and is much higher than that produced in the eastern department, which is a second-class article. The quantity of coffee produced in the western department amounts to 3,750,000 kilograms, that of the central department to 3,750, and that of the eastern to 5,000,000. Finally, the value of the cattle of all kinds in the western department is 2,000,000 pesetas, or \$4,000,000; in the central and eastern departments, \$1,000,000 each.

It is therefore seen that the real wealth and the bulk of the population of the Island of Cuba are in the western department, which has scarcely suffered at all from the insurrection, and which, for the most part, has remained perfectly tranquil. But it is to be observed that the majority of the estates in the eastern department, situated near Santiago de Cuba and other towns, still remain unharmed, because, having been protected by our troops, it was impossible for the rebels to burn them, and the exportation of their products still goes on with the utmost regularity, because the railroad by which they are sent is held by our army, as is likewise the railway which connects Puerto Principe with the port of Nuevitaa.

For these reasons and because the insurgents do not hold a single port in the whole island, foreign commerce, instead of suffering any diminution, has greatly increased since the outbreak of the insurrection, as is shown by the following statistical data, also official. This fact is due to the much greater production of the western department and to the increase in the value of its products. The amount of the receipts from customs in Cuba during the years stated is here given as follows:

Years.	Import duties.	Export duties.	Other duties.	Total receipts.
1865.....				<i>Reals.</i> 240, 881, 160
1866.....				225, 185, 180
1867.....				155, 426, 850
1868.....				148, 097, 190
1869.....				190, 776, 400
1870.....				284, 066, 090
1871.....				338, 175, 290
1872.....				377, 330, 140
1873.....	205, 835, 210	83, 457, 660	179, 082, 700	468, 375, 570
1874.....	200, 792, 830	75, 830, 660	166, 825, 230	443, 548, 710
1875.....	78, 502, 160	70, 320, 490	58, 241, 680	306, 964, 510

*Note.*—The receipts for 1875 are only for the first six months.

These figures furnish the best evidence that the general commerce of the world with the Island of Cuba has in no wise suffered, but that it has, on the contrary, increased since the insurrection began and during its prevalence. The greatest increase is observed in the trade of the island with the United States, with which country its commercial transactions are much more extensive than with any other. According to newspapers published in the United States, which keep aloof from politics and busy themselves exclusively with watching the progress and development of industry and commerce in all parts of the world, the commerce between the two countries has increased by more than one-third since the outbreak of the Cuban insurrection. Such testimony can be regarded with suspicion by no one.

It is true that while commerce in general has not suffered, some foreigners residing in Cuba have sustained serious losses. His Majesty's Government, however, which deeply laments this, has always done justice to all claims that have been presented to it, amply indemnifying the losers for the injuries suffered by them; and this is acknowledged by all foreign Governments in their high impartiality. The Government of Spain, with equal good faith, admits that the taxes which it has been necessary to impose in consequence of the insurrection are burdensome. Even in this respect, however, the Government of His Majesty will not only scrupulously observe its treaties with other nations, but it is conscientiously seeking the best means of lightening these burdens. In consequence of the insurrection, moreover, the property of various foreigners, real estate owners, and manufacturers in the island was embargoed, but these measures, which have never been approved by the present Government, will be immediately annulled, and all the embargoes which have been ordered as a war measure will be raised. To this effect the most positive instructions have been given to General Jovellar, the new Governor-General, which he will carry out with the good faith and energy which are characteristic of him in the cases of those who are really citizens of foreign countries.

With this statement of facts, your excellency will be able, in view of your experience and well-known talent, to enlighten the opinion of the country to whose Government you are accredited on the interesting subject which I have been discussing, and successfully to refute the misstatements which the filibusters have sought to circulate everywhere. Although this memorandum is designed only for your own information and guidance, you may read it to the minister of foreign affairs of the United States, and give him a copy of it, confidentially, if he desires it.

God guard, etc.

FERNDO. CALDERON Y COLLANTES.

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*Mr. Cushing to Mr. Fish.*

[Telegram.]

MADRID, February 21, 1876.

FISH, Secretary, Washington:

My last telegram seems not to have been understood. I repeat, in different words.

I see prospect of possibility of mediatory arrangements if you can answer for the desperate men of the Cuban Junta, enemies of Spain, but worse enemies of the United States.

I need instructions as to reasonable bases of such possible arrangement. See private letter of this date.

CUSHING, Minister.

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*Mr. Cushing to Mr. Fish.*

No. 849.]

LEGATION OF THE UNITED STATES,  
Madrid, February 21, 1876.

SIR: It surprised me exceedingly to learn by your No. 288 that the idea had been conceived in London and transmitted thence to Washington of any delay on my part of action on your No. 266.

What occurred in this respect of erroneously supposed delay will be apparent on comparing my two dispatches, Nos. 692 and 703, in the light of the following explanations:

On the day of receiving your telegraphic instructions of November

27—that is, November 28—Mr. Calderon y Collantes and myself met at dinner at the palace.

I availed myself of that opportunity to request an interview at the earliest possible opportunity, which was fixed by Mr. Calderon y Collantes for the 30th, when copy of your note was delivered to him.

It was impossible for us to discuss your note then, because he is not sufficiently acquainted with English to have read it intelligently; nor, if he had been, was it desirable that he should have spoken on the hasty impressions of the moment.

My apprehension was lest some such hasty and ill-considered appreciation of your note should elicit expressions fatal to the continuance of peaceful relations. On reading or hearing read that note a minister might, if forced to pronounce on the moment, repel intervention; none certainly would invite or accept it, without consulting his colleagues and the King.

I therefore requested him to receive me again so soon as he should be able to have the note translated and to read and reflect upon it, and not to come to any conclusion on the subject until after such second interview, which was fixed for the 4th of December.

I regarded this arrangement as the best possible for us, nay, as the only one involving any probability of advantage.

Now, that necessary pause of three days is the delay of which Lord Derby speaks.

I think the use, or abuse, rather, made of it in London is very suggestive and significant.

Lord Derby, as reported by General Schenck, began by suggesting postponement of definite action in express words. He then proceeds to repel, in various forms of expression, the idea of any pressure—that is, intervention. He concluded with vague expression of “good offices.”

Has he ever communicated to you the definite purpose, communication—and even conception—of which he expressly postponed?

I do not know. I presume not; or that if he has, it is not of a nature to serve us here, for if it were, you would have instructed me on the subject.

I do know that he has instructed Mr. Layard that it would be unseasonable and premature to think even of mediation until after Spain shall have made further efforts unsuccessfully to suppress by her own force the insurrection in Cuba.

I have great esteem and respect for Mr. Layard. We work together very well on specific questions of common concernment, such as Burriel and the procedure question. But he has his own official cares, which are sufficiently grave; more private claims than we, and two troublesome treaty questions, while we have but one. It is quite natural and proper that he should look primarily to the interests of his own Government.

You suggest further, in your No. 288, that the interview of the 4th of December “appears to have been confined to our particular griefs, and no allusion being made to the general question of the condition of Cuba as distinguished therefrom.”

I do not so understand it. On recurring to the full report of that interview, in my No. 703, you will perceive that every word uttered by me was on that “general question” and the consequent complication. I said nothing of our “private griefs.” It was Mr. Calderon y Collantes who introduced and dwelt upon that point, evidently evading the general question.

Was it convenient for me then and there to push him on the question

of intervention? I thought not. The first great object of diplomatic tactics had been attained—that of avoiding rupture and preparing the ground for the continuance of negotiation.

Next, as to intervention. I supposed, erroneously it may be, that no pressure in that direction was to be undertaken by me in the first instance until it should be known whether we were to be supported or opposed by the powers. Why else invoke their moral support?

I knew on the 4th of December what Lord Derby had said, and to my mind it was anything but encouraging; and the result has justified that impression.

But the other powers had not then spoken, nor have they to this day spoken at Madrid in any sense of encouragement to us.

For instance, the Austrian minister is instructed against us; the German minister, from which quarter something might have been expected, declares that he has received no instructions on the general question (he is careful to remind me of this when we converse on the procedure question); and the British minister, as we have seen, is instructed that it is not yet time to mention even mediation to Spain.

Of course, it is impossible to force any of my colleagues to speak on the general subject; and they are all reserved and reticent regarding it, except when they are adverse.

It is my duty to tell you the truth in this respect, and the truth is that no foreign minister here is prepared to back us in saying to Spain: You must close up the war in Cuba immediately, or we will intervene to force a conclusion in our own way.

The question of intercession or mediation is different. Lord Derby despairs on that point; I do not.

The essential premises of mediation are reciprocal confidence and good will, with mutual interests.

The interests of Spain and of the United States in Cuba are identical. At present we derive great net benefits from it; she, none. The imminent destruction of its productiveness would be alike disastrous to her and to us.

She is willing enough to confide in us if we will let her. The proof of that is to be found not in profession (although that we have), but in the analysis of the diplomatic relations of Spain with other powers, contained in previous dispatches. In fine, whatever causes of grief or jealousy she has against us, she has greater against others. Nevertheless, she is now anxious and suspicious with regard to the United States. She knows that thousands of bad Spaniards (called Cubans), having a holy horror of the smell of gunpowder, have fled to "snug harbor" in New York, Key West, and New Orleans, have been dedicating themselves there for years, by distribution of bonds, by speeches, newspapers, solicitations, exaggerated claims, violations of law, and in every other possible way, to the task of embroiling the two Governments in war, and are the efficient authors of all our troubles with her, directly or indirectly, including the tragedy of the *Virginius*.

I dread emigrant rebels. How fatal were the French emigrés to Prussia in the early years of the French Revolution! How frequently the Jacobites involved France in fruitless hostility with England! How the refugee Poles lured Napoleon I to his destruction by Russia, and refugee Mexicans Napoleon III to the commencement of his destruction in America! I do not yet forget the picture of the disastrous intrigues of the rebel emigrants of the Greek Republics, more prejudicial to their friends than to their enemies, as drawn by the masterly hand of Thucydides, or of those of the Italian Republics, so graphically described by Guicciardini and Machiavelli.

God forbid that these dishonored men, who prate of the independence of Cuba, without manliness or courage to fight for it, preferring the safer occupation of trading in bogus bonds and calumniating the President and yourself, should succeed in making our country the instrument of their rancorous hatred of their own country, Spain.

In this connection, be it remembered that the President's message asserts the absolute nonexistence in Cuba at the present time of the essential elements of an independent state, and thus proclaims this fact to the world.

Then, Spain is told every day, by leading newspapers of the United States, that the objects of our naval preparations is to force the hand of Congress and of the people by producing some *casus belli* for electoral purposes; and although nobody really believes what newspapers say, yet they have their effect in the propagation of mischievous irritations and dangerous suspicions, as so well exposed in the late remarkable speech of Prince Bismarck in the German Reichsrath.

I meet all these things as well as I may by pointing to the kindly assurances contained in your note of November 5, in the President's message, and in sundry special dispatches, such as your No. 281, notwithstanding their being dispatches of complaint against acts or omissions of the Spanish Government.

But the obstacles which thus far it has been impossible for me to get over are in the insolent assumption of the knots of Spanish traitors in New York and Paris, who presume not only to dictate to Spain, but also to the United States, and in the impracticable character of the Dominican chiefs of the insurgents in Cuba.

If you can answer for them, there is hope for peaceful and harmonious action between the two nations, to the end of peace, emancipation, and good government in Cuba, by the mediation of the United States, with or without the aid of Great Britain or Germany.

As for these European powers, suffer me to say, "*Timeo Danaos et dona ferentes.*"

I have, etc.,

O. CUSHING.

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*Mr. Oushing to Mr. Fish.*

No. 855.]

LEGATION OF THE UNITED STATES,  
*Madrid, February 28, 1876.*

SIR: My No. 853, as being written for the special purpose of replying to the inquiry propounded in your No. 301 on the subject of the course followed here by Germany in the matter of our relations to Cuba, touched but incidentally on that of Russia.

On reflection, it seems to me convenient to be more explicit on this point.

The Russian minister here, Mr. Koudriaffsky, is in very infirm health and goes but little into society. I rarely have opportunity of meeting him except in special calls, given or received. On such occasions we talk together very cordially and freely. His intelligence and other qualities entitle him to much consideration. His relations to men and things you may infer from the fact that, for so many years, Russia has kept aloof from Spain, even under Queen Isabel, that she paid a pension to Don Carlos, and that she only changed her line of policy in these respects on the accession of Don Alfonso.

Your dispatch No. 298 of the 19th of January, communicating the tenor of the interview between Mr. Boker and Prince Gortchakoff, arrived here on the 9th instant.

The first time of my meeting the Russian minister thereafter was at the ministry of state, when he was suffering so much that, so far from attempting to speak to him on business, I could but voluntarily yield to him my turn, in order that he might be able as soon as possible to return to his own house, suggesting my intention to call on him at an early day when he should be in condition for conversation.

Subsequently he left his card with intimation that he should be glad to see me, and I called accordingly.

I found him very feeble, dozing in his armchair by the fire.

After a little miscellaneous conversation, I introduced the subject of our difficulties with Spain.

He said that he had supposed that the Spanish Government had satisfied all our claims, but that it seemed we had since presented some new ones.

I replied that we had not presented any claims, old or new, other than such as were comprehended in principle in previous general reclamations; but that a much more serious question remained pending, that of the unsuppressed insurrection in Cuba, which imposed on us embarrassments of the same nature as those which Russia and Austria suffered from the troubles in Turkey; and that I had hoped his Government would deem it advisable to make such representations to the Spanish Government as might hasten the peaceful settlement which the United States had in view (purposely employing, as near as possible, the introductory language of Mr. Boker in his interview with Prince Gortchakoff).

Mr. Koudriaffsky replied that he had not received instructions to that effect; that he had information of the interview of Mr. Boker with Prince Gortchakoff, and understood it had for its subject the reclamations of the United States, and no more; that he had heard of your note of November 5, but had never seen it, nor, so far as he knew, had his Government.

I then explained to him that the note consisted of two parts, one enumerating our unsatisfied reclamations, and the other setting forth the exigency of a speedy conclusion of the existing hostilities in Cuba, so prejudicial alike to Cuba, to Spain, and to the United States.

He repeated that, having no instructions on the subject, he therefore had not taken any interest in it.

I could not with propriety urge the matter any further, and proceeded to converse with him on other topics of secondary political interest, especially to answer particular inquiries of his concerning Alaska and its metallic productions, and concerning the condition of our Indians.

Let me now revert to the remarks of Prince Gortchakoff to Mr. Boker, and collate them with what was said to me by Mr. Koudriaffsky.

It is true, as Prince Gortchakoff says, that there is little relation of interests or intercourse of any kind between Russia and Spain, except of a dynastic or nobile character.

It is not true, as he says, that the past alienation of Russia from Spain deprives the former of present influence at Madrid, as you may judge from the efforts of the Spanish Government to conciliate that of Russia, of which you have been informed by me from time to time.

He does not encourage the United States to proceed to "serious measures" in the present condition of Spain, but the contrary.

He spontaneously offered good offices and friendly advice, "if this course should be in accordance with the wishes of the Emperor;" not a very satisfactory reservation.

He is profuse in the utterance of courtier expressions, and in profes

sions of sympathy with the United States; all which results in his advising Mr. Koudriaffsky that we are but pushing private claims here, with which Russia has no concernment.

There, in my opinion, crops out a reminiscence of the Perkins claim and of Mr. Catacazy.

Permit me, before leaving this unwelcome subject, to submit some relative suggestions.

All the flattering and sympathetic utterances of Prince Gortchakoff sound hollow to my ear. Russia can have no ties of sympathy with us, political, religious, or commercial. She had very close ties to attach her to us until twenty-five years ago, down to which time we were her best customers, and almost her sole channel of supply for the commodities of the West Indies, but our prohibitory duties on iron and hemp have cut off that connection, so profitable to both of us, and our chief commercial relation now is one of repulsion, that of rivals in the production of wheat for the consumption of Europe.

Moreover, she doubts now, since the extension of her power in the seas of Japan, whether she did wisely in ceding to us the mainland, and especially the islands, of Alaska.

In my judgment, therefore, the best that we can hope from Russia in the present question is indifference, and we have cause to fear, in the last resort, tendencies of rapprochement to Spain rather than to the United States.

I observe in your circular to Mr. Boker (as well as to others) that the idea of the spontaneous abandonment by Spain of the contest in Cuba is presented in more distinct terms than it is in the note of November or in the message.

Now, it is self-evident that Spain will not spontaneously abandon Cuba.

The other alternatives presented are, agreement between the parties in the contest, or leaving Spain to terminate the contest by force.

I can not judge from the report of Mr. Boker's interview with Prince Gortchakoff whether these three alternative suppositions were each distinctly represented to him by Mr. Boker; but certainly nothing appears in the remarks of Prince Gortchakoff to show that, if Spain refuses to spontaneously abandon the contest (as she certainly will), and if she is unable (however willing she may be) to end the contest by any agreement with the insurgents or their professed chiefs in New York—and if nothing remains for her but to continue to endeavor to exterminate the contest by force, and if the United States intervene to defeat her endeavors in that respect, which is war—I say, nothing appears in the report to show that Russia would countenance such extreme action on the part of the United States.

One thing more. All the great powers are preoccupied with the question of Turkey. France looks on with angry consciousness of her incapacity to act a first part in the question, and while dissatisfied with the substitution of the influence of Great Britain in Egypt for her own, yet feels inclined, nevertheless, for want of other resources, to lean on Great Britain, while anxiously deferring to Russia. Meanwhile the three Emperors have undertaken the task of nominal intervention, reduced almost to mere intercession, in the internal affairs of Turkey, in which Great Britain, after securing control of the Suez Canal without so much as saying "by your leave" to the other powers, acquiesces in the present initiatory step, reserving to herself perfect freedom of action respecting all further incidents in the East.

Now, what is the present step, in which alone all the powers are of accord?



The brief but significant response of the Porte is, it seems to me, a remarkable exhibition of statemanship. It says, in effect, to the allies: "You advise us, in the interest of peace, to introduce certain specified reforms of administration in our discontented provinces. We had already determined to do not only so much, but even much more; we cheerfully take your advice therefore, but we do so in the express understanding that you, Russia; that you, Austria, are to cease to allow your subjects or protégés to aid our rebels in Bosnia and Herzegovina; that you are to use all your moral authority at least to induce those rebels to lay down their arms and accept the measures of reform graciously granted by the Sultan."

Such are the conditions of a practical friendly intervention which are now present to everybody's mind in Madrid, to wit, an agreement between the Porte and its rebel subjects by means of the mediation and moral influence of the allies on condition of certain administrative reforms conceded by the Porte.

The sympathies, the sentimental emotions, the reminiscences of frontier disturbances, the contingent ambitions of Russia and Austria with respect to the rebel subjects of the Porte are far stronger than ours on the side of Cuba. And yet those powers recognize the duty of applying pressure in the sense of peace equally to the rebels as to the Porte.

It is the third of the alternatives suggested in your circular instruction, namely, agreement between the parties to the contest in Cuba. In such a plan, if promoted by us, the great powers would go with us, while if we undertake to force Spain to abandon Cuba, which is hostilities at least, if not formal war, we shall have all the powers exerting their moral authority (if not more) in behalf of Spain.

I have, etc.,

O. CUSHING.

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*Mr. Fish to Mr. Cushing.*

No. 323.]

DEPARTMENT OF STATE,  
Washington, March 1, 1876.

SIR: I have laid before the President your No. 777, under date of the 16th of January, and he received with sincere gratification the expressions of Mr. Calderon y Collantes of the earnest desire of the Government of Don Alfonso in the sense of peace, good government, and liberty in Cuba, and that his Government freely admitted the political expediency and necessity of abandoning the old colonial system and of promptly consummating the emancipation of the slaves in that island.

The President feels that these expressions bring the two Governments in accord in their views and wishes on these points.

He accepts, also, the earnest expression of consciousness on the part of Spain that the United States and Spain are by commercial ties inseparably associated in the question of the tranquillity and prosperity of Cuba.

Nature has placed that island in our immediate neighborhood, and has established the foundations of the relations of business, commerce, and material interest, which Spain thus recognizes.

Discovery and long occupation have made the island a possession of Spain, and the United States has no desire to disturb the relations which result therefrom. These positions being reciprocally recognized, there should be no cause for serious disagreement, or for any mistrust between the two powers with regard to the future of the island, or in

reference to the measures to be adopted to bring about a return of peace and prosperity.

Part of the territory of the one power, it is the seat of immense trade for the other. The interests of both in its welfare, its peace, and its good government are equal but not identical. The people of both Governments resort thither, associate together, and, with the natives of the island, invest their means, and are alike anxious for its best interests. It behooves the two Governments, therefore, each in the direction and in the proportion of its respective but different relations, to seek its peace, to advance its welfare, and to assist toward its prosperity.

Having a common desire, with similar interests to protect and equivalent advantages to gain from an improvement in its condition, the Government of the United States has been ready to effectually cooperate with or aid the government of His Majesty in securing these results, and the earnest efforts of the President in that direction are still ready to be called into exercise.

In considering the means to this end he desires to propose none but those of friendly suggestion and, if it be practicable, of friendly advice to those who are in resistance in Cuba.

He finds in the statement reported by you as made by Mr. Calderon y Collantes that his Government freely admits the political expediency and necessity of abandoning the old colonial system of administration in Cuba, an agreement with the opinion expressed in a recent instruction to you (No. 266, under date of 5th of November, 1875), which avoids any necessity of reference to the causes which have led to the insurrection of Yara, and which have prevented its suppression.

The admission that the old colonial system is inadequate to the government of a people of a million and a half, in the present age, imposes upon the parent Government the urgent necessity of the early formation of another system to take the place of that which has outlived its capacity and adaptation to the happiness and welfare of those for whose happiness and welfare government alone exists. In the present case the President is of opinion that it belongs to the enlightened wisdom of the Government of Spain without delay to inaugurate this new system, suited to the more advanced opinions of modern civilization and more consonant with the prevailing opinion of enlarged powers of local self-government.

But Mr. Calderon y Collantes, as you inform me, was pleased to invite a frank statement concerning the precise thing which the United States would advise or wish Spain to do, adding that he could not conceive that anything unjust or impracticable would be proposed. In this last expression he does no more than justice to the desire and the wishes of the United States. In response therefore to the suggestion of the distinguished minister of state and in full accord with the feelings and frankness which led him to invite expression on the part of this Government, I venture to submit some views which the President desires to bring to his consideration.

In so doing, it would be unjust both to the minister of state and to the United States if what is to be said were other than a plain and frank statement of the views of the President. At the same time, if in the reference which may be herein made to any relations or incidents there be found ought to excite any sensibilities, he desires in advance to assure His Majesty's Government that it will be deeply regretted, and that no word will be said other than with the view to a full consideration of the real and actual condition of the question, with which he believes His Majesty's Government as well as himself is

endeavoring to deal, in the interests of both nations, and for the peace, prosperity, and development of the wealth and industry of the Island of Cuba.

In the first place, the President desires emphatically to disabuse the mind of the Government and people of Spain of the existence of any desire on the part of the Government of the United States for the acquisition of Cuba or for its annexation, directly or indirectly, to the possessions of this country. Whatever suspicions of such desire may heretofore have been entertained should be rejected to enable Spain to do justice to the motives, policy, and feelings of the United States. Whatever grounds may be supposed to have existed in the past evincing such desire, there are at this time no considerations, moral, social, political, or financial, which are regarded by the President as making the acquisition of Cuba by the United States either desirable or convenient.

The President, moreover, desires in an equally emphatic manner to express the desire of the United States to maintain a firm, solid, and enduring peace with Spain, and to remove every disturbing question which embarrasses or which can threaten the relations of the two countries.

With these premises, I proceed to respond to Mr. Calderon y Colantes's request for a frank statement of what the United States would advise or wish Spain to do with regard to Cuba. You will, in the name of the President, state that his earnest wish is:

First. The mutual and reciprocal observance of treaty obligations, and a full, friendly, and liberal understanding and interpretation of all doubtful treaty provisions, wherever doubt or question may exist.

Second. Peace, order, and good government in Cuba, which involves prompt and effective measures to restore peace, and the establishment of a government suited to the spirit and necessities of the age; liberal in its provisions, wherein justice can be meted out to all alike, according to defined and well-established provisions.

Third. Gradual but effectual emancipation of the slaves.

Fourth. Improvement of commercial facilities and the removal of the obstructions now existing in the way of trade and commerce.

Concerning the first point the President at this time does not desire to make particular reference to questions which alone concern individual grievances of the United States or its citizens.

These have already been placed fully before the minister of state, and it is hoped that negotiations now in progress will dispose of all such questions in a manner satisfactory and beneficial to both parties.

He therefore contents himself with the expression of this hope, and is of opinion, if irreconcilable constructions be found, or if the provisions of existing treaties be too indefinite or not sufficiently comprehensive, that these difficulties may hereafter be removed by a new and more explicit convention.

Concerning the second point, providing for the return of peace, the establishment of order and good government in Cuba, the President recognizes that the successive governments which have existed in Spain since the breaking out of the insurrection and the different ministers who have, from time to time, directed the affairs of state have been unanimous in their expression of desire to restore peace and create reforms in Cuba.

That the system under which Cuba has been governed has become antiquated, unsuited to her condition, calculated to excite opposition and hostility, and attended by acts of oppression and wrong to her

people and of injury to all having relations with her appears to be fully admitted, and is commented upon and proclaimed continually both in Spain and Cuba.

Upon many occasions when these matters have been discussed, the facts have been frankly admitted, and the assurance given that when the rebellion had been crushed out by force, then wise and just reforms would be introduced.

But it has been found up to the present time impossible to conquer a peace by force of arms, and every suggestion that amnesty, reform, and the certainty of good government might be effective where force has failed has been repelled.

More than six years ago such was the condition of affairs, and it remains the same to-day. Assurances were then given that reforms and concessions would be inaugurated as soon as the insurrection should be subdued, but that they would not be allowed while armed opposition remained. Since then, and under the policy of making that last which should be first, of making that the result which should be the means, the insurrectionary forces have year by year prosecuted their operations over more extensive regions, and their torch is devastating farther and farther.

Experience has shown, upon this continent at least, the difficulty, if not the impossibility, of subduing by mere force any serious uprising of a people against a distant government where grave causes of discontent and injury exist, and where the parent government persistently refuses to remove the causes of complaint or to remedy the evils until the insurrection shall have been effectually crushed.

In the last century Great Britain refused to concede to her colonies which now are embraced within the United States privileges and rights which, if then conceded, would have left those colonies part of the possession of Great Britain. Separation ensued.

In the present century when Canada complained of wrongs and of the maladministration of government, Great Britain, with the experience of the past, wisely made concessions and introduced reforms. Resistance disappeared, and Canada is a loyal, happy, and quiet dependence of Great Britain.

The earlier part of the present century presents instances of colonies on this continent dropping off from the parent country for want of timely concession.

Puerto Rico is a contented possession of Spain, having received concessions withheld from Cuba, which has been the scene of war for seven years.

The President believes and desires most earnestly, in the way of friendly consultation and fraternal advice, to impress upon His Majesty and his Government that in order to allay the existing strife in Cuba the olive branch is more potent than the sword.

If, in addition, the measures adopted to repress the insurrection are harsh and ill-directed, each new effort gives foundation for a new dissatisfaction and new cause for rebellion.

The President therefore amicably, sincerely, and earnestly suggests the immediate adoption of measures founded on a declaration of complete and entire amnesty, with an invitation to all Cubans to return at will, and to all those in arms to return to peaceful occupation, guaranteeing to all immunity in person and property for acts of rebellion, such declaration to be accompanied by the adoption and proclamation of the necessary measures to provide a just and liberal government, with large powers of local and self control, under proper municipal

organizations, suited to the colonial possessions of an enlightened distant power at the present day.

He places these requirements together and dependent each upon the other, because experience has demonstrated that no other course can be effective.

The President is of opinion that the administration of law in Spain has been demonstrated to be prompt, searching, and decisive when the Government so desires; that impositions by way of taxation or contribution to the support of the Government have not there generally been excessive or unequally distributed; that justice is meted out to individuals with impartiality and fairness; that positions of trust and honor are held by men worthy of distinction, and that the opportunities for education and cultivation are ample to all who desire to avail themselves thereof.

It is believed, however, that in Cuba no such advantages or immunities have been provided or enjoyed, and that abuses and wrongs which would not be tolerated in the peninsula have been allowed and are perpetuated in this island.

The administration of law has been substantially subordinate to military force; offenses against the Government, whether really committed or only suspected, have been punished at the will of military officers or under the forms of military courts, and the island has been, in fact, governed, even in times of peace, by martial law.

Exactions by way of taxes, imposts, and contributions have been onerous and oppressive, so much so, in fact, as to make it often questionable whether the possession of property, with the risks attendant upon its cultivation, would not result in loss. These exactions have been governed by no fixed rule, are enforced by an arbitrary power in the island, and large proportions fail to reach the public treasury, or to contribute in any manner to the support of the Government, but are diverted to private purposes. The existence of such a system actually tends to prolong the war, and to make those who profit by such transactions unwilling to change the condition of affairs.

Public positions are held by persons sent by Spain to the island, who are wanting in interest in the welfare of Cuba, and who resort thither for the mere purpose of pecuniary profit, intending to return to Spain so soon as their avarice is satisfied.

General report and belief speak loudly of corruption, and a large number of public officers are charged with securing profit from their positions. As a consequence, the whole administration of the island suffers in public estimation and is believed to be wanting in the qualities which alone can satisfy an enlightened public opinion.

Oppressive commercial regulations, injurious to trade, discriminating directly against Cuba, enhance the price of commodities. Fines imposed upon vessels for trivial offenses and large exactions by way of consular fees for clearances of vessels destined for her ports discourage trade and commerce and tend to place the island at a serious disadvantage.

All these evils are matters of public notoriety, discussion, and comment, and are as loudly condemned in Spain as in the United States.

Spain can not desire to continue such a system, or to permit it to exist, and at the same time she stands before the world as perpetuating the system and as responsible directly for all the results which legitimately flow therefrom.

The absence of just rights and protection and the perpetuation of these wrongs has been the cause of the discontent in Cuba; the further continuance of this condition of things will protract the strife.

Upon the third point it seems necessary only to point to recent events in this country and in Europe, which have demonstrated that the day has passed when the enlightened sentiment of the world will tolerate the holding of a race of human beings in a condition of slavery.

It is true that private rights, organized methods of labor, which can not be rudely changed, and public considerations growing out of the enfranchisement of a large body of slaves may make it necessary that the steps to this end should be carefully adopted. At the same time, the point to be gained is the fact of the emancipation attended by well-devised measures to render it effectual.

Upon the last point, concerning the improvement of commercial facilities and the removal of the obstructions to trade, it can not be questioned that, with peace established and liberal government introduced in Cuba, the existing commercial regulations will prove entirely inadequate, whether regarded in the light of the interests of the inhabitants and owners of property in Cuba or in that of the interests of commercial nations trading with the island.

The obstructions which hamper and burden commerce at the present day with Cuba, to a large extent closing the trade of the island to many of the productions of the United States and of other countries, are part and parcel of a system which should be removed in the interest and for the welfare of the people of Cuba and for the promotion of free commercial intercourse between that productive island and the rest of the world.

Establish peace, good order, and good government; allow full opportunity for the development of the resources of the island and the introduction into it upon terms favorable to its interests of the productions of other countries and Spain will certainly convert the island, now in a state of discontent, distrust, and rebellion, into a prosperous and happy people.

If the views of the Government of the King are in accord with those of the President (as herein expressed on the invitation of the minister of state) as to the means to be adopted to restore peace and tranquillity to Cuba, and if that Government request his good offices to that end, he will cheerfully and readily use every proper effort in his power to secure this much-desired result.

These views are given in response to the invitation of Mr. Calderon y Collantes, as communicated by you, and are expressed in sincerity and with the frankness due to a grave and important question.

Should the Government of Spain agree in these suggestions and earnestly and firmly pursue such policy as is herein referred to, little doubt exists in the opinion of the President that such measures will prove effective. In any event, such a course would, in his opinion, immediately draw to the Spanish Government the moral support of the nations of the earth, and remove from the insurrection any sympathy which now attaches to it.

The alternative of the course of conciliation and of reform which the President has suggested, in response to the invitation for the expression of advice, would involve Spain in the illogical position of a continued maintenance of a system which she admits to be wrong until greater sacrifices of life than have yet been made be incurred in sustaining and in enforcing such wrong, and other lives be sacrificed in the effort to obtain what Spain declares herself willing to accord.

The President concludes with the renewed expression of his earnest hope that peace and order may soon be reestablished, and that the course of peaceful trade and intercourse may be soon restored to the

peoples of both nations, with Cuba and its inhabitants undisturbed by the derangements which have attended upon the strife which has prevailed in the island for the past seven years.

You are authorized to read this to the minister of state.

I am, etc.,

HAMILTON FISH.

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*Mr. Cushing to Mr. Fish.*

No. 862.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 2, 1876.*

SIR: The President's message has had the salutary effect of modifying and mollifying to a very sensible degree the opinions and feelings, as well of the Cuban Spaniards as of the Peninsula Spaniards.

As to the former, it has awakened them from the dream of immediate independence. Moreover, they desire to put a stop to the incendiary operations of the insurgents in Cuba, which they see tend to render the island as useless to them as to Spain and the United States.

Such is now the state of mind of influential Cuban Spaniards in Europe, as manifested by late important publications of theirs, and as it also appears to be with the Cuban Spaniards in New York.

Spain herself, while determined not to abandon Cuba (no Spanish Government, however constituted, could do that spontaneously and live a month), has been made more pliant by the confidence she finds in the message of the disinterestedness of our Government and in our recognition of the nonexistence in Cuba at the present time of the necessary elements of independence; and she longs to have peace, to be relieved from further sacrifice of men and money, and to stand well with the world, and especially with the United States, in the administration of Cuba.

The complete overthrow of Don Carlos, with the domestic questions and difficulties, political and financial, which the Government has now to encounter, augments rather than diminishes its anxiety for a real pacification of Cuba.

And the problem, as regarded here, is whether the Dominicans who conduct the so-called military operations in Cuba, bred up as they have been in the traditions of mere devastation, which have converted Santo Domingo, once the richest of the great West India Islands, into the poorest, and kept it for three-quarters of a century in a state of semi-barbarism, can be reached by any pacific influences, either of Spain or of the United States.

I have, etc.,

O. CUSHING.

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*Mr. Fish to Mr. Cushing.*

No. 324.]

DEPARTMENT OF STATE,  
*Washington, March 3, 1876.*

SIR: Referring to your No. 777 under date of January 16, and in particular to the statement that in your interview of the preceding day the minister of state had informed you that as it had occurred to him that this Government might have concluded not to act on his note of November 15 without hearing from the European Governments in relation thereto, and that in this view he had resolved to defer writing the contemplated responsive circular of Spain to those Governments until

after hearing from the United States, I have to state that on several occasions, and in various quarters, information has reached this Government of some circular having been issued by the Spanish Government as to affairs in Cuba and in Spain.

With these expressions of the minister of state before me, and as no copy of any such circular has directly or indirectly reached this Department, it is not considered likely that any response to instruction No. 266, addressed to you and read to the minister of state, has been issued, as has been stated, nor that any general circular has been issued bearing on affairs in Cuba.

I shall be glad, however, to be informed to what paper these statements refer, and to be promptly furnished with copies of any paper or circular which may have been issued by the Spanish Government bearing on events in Cuba or in reference to Spanish affairs.

If any such paper exists, you will appreciate that the reasons which have prevented the Department from making direct inquiries here concerning it render it inadvisable for you to make formal application therefor.

I am, etc.,

HAMILTON FISH.

*Mr. Cushing to Mr. Fish.*

No. 865.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 7, 1876.*

SIR: Your note of November 5 has been printed in a Spanish translation without abridgment in several of the newspapers of Madrid, and is the subject of prolonged discussion by them, as well as of commentary in political circles.

It is not in my power to send you translation of these articles without neglecting other things of more importance, nor does there seem to be need of it.

I content myself with indicating some of the more salient points of criticism in this relation, which appear in print or in conversation.

#### I.—THE REBELLION IN CUBA.

1. It is alleged, while admitting acts of censurable violence on the part of officers or troops of the Government, that such acts were forced upon them by still worse acts of the rebels, beginning with the foreign adventurer Quesada, and continued by other foreign adventurers, Dominicans, Venezuelans, Mexicans, North Americans, and others, having no real interest in Cuba.

2. It is alleged that the rebellion is really abandoned by most of the Spanish Cubans, who now are serving in the ranks of the loyal volunteers, or hiding their shame and their sorrow as voluntary exiles in various countries of Europe and America.

3. Much is said of the discreditable character and acts of the pretended directors of the rebellion in New York, who, it is charged, are mainly occupied in criminal intrigues against the peace of the United States.

4. It is alleged that in its persistent efforts, at any cost of treasure and blood, to suppress the insurrection in Cuba, the Spanish Government does but follow in the footsteps of the United States in their recent determined stand for the maintenance of their national integrity.

5. It is alleged that the commerce of the United States has not suf-



ferred prejudice by the rebellion in Cuba; and that, in addition to the ordinary commerce, we now possess that of the supply of arms, provisions, and other military and naval supplies greatly to our advantage.

Nearly all the small arms used in Spain and Cuba, on both sides, are, it seems, manufactured in the United States.

In this connection attention is called to the very great prejudice which our civil war inflicted on Great Britain and other countries by raising the price or cutting off the supply of the cotton of the United States.

6. It is alleged that the intervention proposed by the United States appears to imply pressure on Spain rather than on the rebels, and that such intervention must necessarily be repelled by Spain for the same considerations, self-respect, and sovereign right which induced the United States to repel foreign intervention during the secession rebellion of our Southern States.

7. Finally, it is alleged that all the European Governments, preoccupied with cares of their own, regard with indifference the intimations on the subject of Cuba which have been made by the United States.

I think what is said in this respect is based in part on informal conversation between members of the diplomatic body and some of the members of the King's Government.

## II.—AS TO RECLAMATIONS.

1. It is alleged that most of the reclamations put forward by the United States are for slave property, to the discredit of our emancipation professions.

In this relation attention is called by the newspapers to the pertinent clause of the President's message, and more especially to your recent letter to Mr. Swann, translation of which has made its appearance here in Spanish.

The point is much dwelt upon, with citations from our newspapers.

2. It is alleged that Spain has acted with great promptitude in agreeing to a claims commission earlier than any other Government ever did; while, on the contrary, we, the United States, have not to this day made provision for civil war claims of Germans, Frenchmen, and especially Spaniards.

3. Much is alleged as to the dishonest character of the citizenship of the claimants; most of them Spaniards of recent naturalization, few of whom, it is said, ever had bona fide residence in the United States.

The minister of state has more than once alluded to this point in terms the more disagreeable for being founded on truth.

He says it can be proved that most of these new-born North Americans were domiciled in Cuba, with their city residences and their country plantations there, and in the public exercise of all the rights of Spaniards, during the very time of their pretended residence in the United States, to which at most they had paid but transitory summer visits, and that some of them have founded on their being at school in the United States when boys, although after that they had lived in Cuba, engaged in business, and claiming and exercising all the rights of Spaniards.

He concedes, however, that questions of this class ought to have been raised at an early day, and says the King's Government submits to the burden in this respect imposed upon it by the negligences and procrastinations of its predecessors, and therefore now acquiesces in the claims

of all Spaniards who at the time of the imputed wrong were certified citizens of the United States.

To conclude, the above notes are a faithful but greatly abridged abstract of the comments referred to, and appear to me to be as full as is required for information.

I have, etc.,

O. CUSHING.

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*Mr. Fish to Mr. Cushing.*

No. 329.]

DEPARTMENT OF STATE,  
*Washington, March 11, 1876.*

SIR: Referring to previous correspondence on the subject, I inclose herewith for your further information, a copy of a dispatch, No. 56, under date of the 10th ultimo, from Mr. Boker, the minister of the United States at St. Petersburg, relating to the Cuban difficulty with Spain.

I am, sir, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 331.]

DEPARTMENT OF STATE,  
*Washington, March 15, 1876.*

SIR: Referring to your No. 841, under date of the 19th ultimo, relating to the memorandum addressed by the minister of state at Madrid to the representatives of Spain in foreign countries on the subject of Cuba, I have to state that Mr. Mantilla left a copy of the memorandum at the Department on the 8th instant.

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 332.]

DEPARTMENT OF STATE,  
*Washington, March 15, 1876.*

SIR: Recurring to my No. 315 of the 16th ultimo, transmitting a copy of two dispatches from Mr. Davis at Berlin, relating to Cuban affairs, I have to state that Mr. Davis has since requested that the following correction may be made in his No. 249.

In the last paragraph but one, after "Petersburg," insert "wrote the Government there," so that the passage may read: "Lord Odo also added that the British ambassador at Petersburg wrote that the Government there manifested," etc.

I will thank you to make the above correction in the copy transmitted to you.

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Cushing.*

No. 333.]

DEPARTMENT OF STATE,  
*Washington, March 15, 1876.*

SIR: Referring to previous correspondence on the subject, I inclose herewith, for your further information, a copy of a dispatch under date of the 15th ultimo, No. 1288, from Mr. Washburne at Paris, relating to Spanish-Cuban affairs.

I am, etc.,

HAMILTON FISH.

*Mr. Cushing to Mr. Fish.*

No. 868.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 16, 1876.*

SIR: My No. 834,<sup>1</sup> of the 16th ultimo, reported to you the opening of the colegislative chambers of the Spanish Cortes.

During their sessions of the first fortnight they were chiefly occupied with consideration and determination of the comparatively few cases of contested returns of members, either of the Senate or of the Congress.

Since then the subject of debate has been the proposed message of response to the opening address of the King.

In this debate leading men of the diverse factions of the opposition, such as the Marquis de Sardoal, Mr. Pidal, Mr. Romero Ortiz, Mr. Moyano, and Mr. Sagasta, have respectively said their say with more or less of zeal or ability, and have been answered chiefly by four of the ministers, Messrs. Canovas del Castillo, Martin Herrera, Calderon y Collantes, and Romero Robledo—the president of the council and the minister of state especially distinguishing themselves in defense of the acts, plans, and purposes of the Government.

With but here and there a trivial exception, the debate has been dignified in form, although most unprofitable in substance, for it has mainly consisted of easy exhibition of the inconsistencies, the errors and the crimes, the tergiversations, pronunciamientos, treasons, and insurrections of which all parties have heretofore been guilty, as, one after the other, they attained the giddy heights of political power, or sank into the depths of angry, impatient, and factious opposition.

In these mutual recriminations of parties, in this general settlement of political account between successive governments and administrations—which has only served to show that all of them, as they rose, ascended on the ruins of their country, and, as they fell, left behind a deplorable deficit of wisdom and usefulness to the debit of each—there is little which would interest you sufficiently to justify the labor of translation.

I annex, however, an extract from the speech of Mr. Sagasta touching the United States, both because of its matter and of the political importance of the speaker, who undoubtedly, apart from the special weight of his position as the parliamentary leader of the Constitutional party, deserves to be ranked among the most practical and the most influential of the statesmen of Spain.

I have, etc.,

O. CUSHING.

[Appendix A with No. 868.—Extract translated.—Remarks of Mr. Sagasta in the Cortes, March 15, 1876, touching the United States.—From the Gaceta de Madrid, March 16, 1876.]

As does the committee, so does the Constitutional party, desire that a frank and elevated policy be adopted, resting on the principle of strict neutrality, our nation invoking an equal right with respect to the other nations. The Government ought to be resolute in this, and it will then count upon the support of the Constitutional party in this course, provided it do not interfere in the affairs of other nations and do not permit other nations to interfere in ours, without, however, thereby ceasing to strive for the recuperation of her ancient splendor; not by means of force, but in common accord with other nations interested in this subject.

It is to be hoped that, in pursuance of this policy, the settlement of our differences with the United States may be speedily reached. If in the Island of Cuba such atrocious crimes are committed as that of fixing a price for the assassination of our soldiers and volunteers, still those horrible deeds of which other civilized countries have given us examples have never been witnessed there.

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<sup>1</sup>Not printed.

The United States well know how difficult it is to subject to determinate rules a fratricidal struggle, because not long ago they themselves had such a struggle, with a great advantage compared with ours, since they were not forced to cross the seas in order to fight. Our war in the Island of Cuba has not assumed the character of a genuine war, but of savage brigandage (*bandolerismo*), and it is to be hoped that the United States, instead of taunting us, will try to show us their good will.

And now that I am treating of the United States, I touch the confines of the colonial question, and I would speak of the colonial question; but I do not wish to do so so long as the rebellion exists there; so long as there remains one to cry, "Death to Spain;" and I will therefore confine myself to saying that the Government should have no other thought than that of saving, cost what it may, the national integrity, sending out to that end not only all the necessary forces, but also whatever resources may be demanded by the state of the island, and adopting severe measures against those who, forgetting that it is not allowed to them to attack the integrity of their country, are aiding the rebels who slay our volunteers and soldiers.

Having made these brief observations, which I merely do in outline, I shall now enter upon the examination of our domestic policy.

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*Mr. Oushing to Mr. Fish.*

No. 869.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 17, 1876.* (Received April 5.)

Sir: I continue to receive expressions of good will from Mr. Layard in reference to the special questions connected with Cuba, in which our respective Governments have a common interest, but with complete silence on the general question of intervention or mediation in Cuba.

The truth is that the European relations of Great Britain and Spain outweigh the matter of their relations in America.

The general relations of the two Governments stand on the most equivocal premises, prolific in difficult and vexatious questions, to wit, old treaties dating back as far as the reign of James I, modified from time to time, and, what is worse, annulled by successive wars, and then renewed at the conclusion of peace by broad stipulations of revivor, covering in terms many commercial provisions which are of difficult, if not impossible, application in the present state of Europe.

I annex a copy of extracts from several of these treaties on a single point, the "favored-nation" stipulation, by which you may see clearly the vague and loose condition of the existing treaty relations of the two Governments.

If these stipulations are to be liberally observed, it is plain to see that the revenue system of Spain becomes totally and perpetually dependent on that of Great Britain.

I think we in the United States have at all times been scrupulous on that point, especially avoiding to concede perpetuity of stipulations affecting revenue.

My own opinion has always been adverse to such stipulations, except in specific cases, where they involve special equivalents of reciprocal value. (See Attorney-General's Opinions, Vol. VI, p. 149.)

Indeed, if these "favored nation" clauses were of definite and effective application, it would be superfluous to enter into extended treaty after extended treaty, for it would suffice to make every new treaty consist merely of a general "favored nation" stipulation. Happily for us, who have spread ourselves out so much in several of our treaties, especially those with the petty States of Central America and some others, the stipulations of that nature are of limited application, just in proportion to their indefiniteness and their generality of expression.

Meanwhile, in these loose and, many of them, obsolete stipulations,

finally revived en bloc by the treaty of August 25, 1814 (see Cantillo, p. 733), questions are continually springing up between Great Britain and Spain which lead to prolonged discussion, not always in amiable spirit.

Thus, what is the forum for the trial of British subjects in Spain? A special juez conservador says, in effect, the treaty of 1667, which gives to England all the privileges enjoyed by the Hanse Towns, among which was a juez conservador. And yet the recent laws of Spain long since abolished that forum, with the apparent acquiescence of Great Britain.

Again, to what taxes are British subjects liable in Spain? The royal order of June 18, 1875, transmitted with my No. 630, carefully distinguished, you remember, between treaty rights in this respect and comity rights outside of treaty, and refuses to place Great Britain in the first-named class in virtue of the "favored nation" stipulation, although in virtue of such a stipulation it places Belgium on the footing of the exemptions accorded by express treaty to Germany.

You will readily perceive what a crop of treaty questions between Great Britain and Spain is produced by the equivocal nature of their treaty relations, which apparently cover everything, but are so vague as to afford to either Government opportunity to deny their application to any specific thing in controversy.

Spain is particularly discontented on two points: One, the heavy differential duty imposed by Great Britain on Spanish wines; and the other, the systematic prosecution of contraband from Gibraltar, the efforts of Spain to protect her commerce in this respect giving rise to frequent collisions in the bay of Algeciras, a recent example of which is the capture and recapture of the smuggling schooner *Amalia*.

I annex a statement of the case as understood by the Spaniards.

I might enlarge on these various points, but what has been said will serve to explain further my belief, heretofore expressed, that the British Government has too many questions of its own to discuss here to be ready to follow or accompany us at present in any official act for the pacification of Cuba.

My conclusion in this respect, let me say, was founded on considerations which assume all possible friendliness of spirit on the part of the British Government, although Spaniards are not wanting who suggest to me that Great Britain is secretly impelled in this particular question toward a state of sympathy with Spain rather than the United States, in view of the magnitude of her own great insular or continental dependencies in America.

I have, etc.,

C. CUSHING.

[Appendix A, No. 809.—Extracts from treaties between Spain and Great Britain.]

*Thirty-eighth article of treaty of 1667.*

It is agreed and concluded that the people and subjects of the King of Great Britain and of the King of Spain shall have and enjoy in the respective lands, seas, ports, havens, roads, and territories of the one or the other, and in all places whatsoever, the same privileges, securities, liberties, and immunities, whether they concern their persons or trade, with all the beneficial clauses and circumstances which have been granted or shall be hereafter granted by either of the said Kings to the Most Christian King, the States General of the United Provinces, the Hanse Towns, or any other Kingdom or State whatsoever, in as full, ample, and beneficial manner as if the same were particularly mentioned and inserted in this treaty.

*Second article of treaty of Utrecht, 1713, November 23-December 9.*

And as it has been agreed, as is above mentioned, concerning the rates of duties, so it is ordained as a general rule between their Majesties that all and every one of their subjects shall, in all lands and places subject to the command of their respective Majesties, use and enjoy at least the same privileges, liberties, and immunities concerning all imposts and duties whatsoever which relate to persons, wares, merchandise, ships, freighting, mariners, navigation, and commerce, and enjoy the same favor in all things (as well in the courts of justice as in all those things which relate to trade, or any other trade whatsoever) as the most-favored nation uses and enjoys, or may use or enjoy for the future, as is explained more at large in the thirty-eighth article of the treaty of 1667, which is specially inserted in the foregoing article.

*Ninth article of the treaty of 1713, July 9-18.*

It is further agreed and concluded as a general rule that all and singular the subjects of each Kingdom shall in all countries and places on both sides have and enjoy at least the same privileges and immunities as to all duties, impositions, or customs whatsoever relating to persons, goods, and merchandise, ships, freights, seamen, navigation, and commerce, and shall have the like favor in all things as the subjects of France, or any other foreign nation, the most favored, have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy.

*Third article of treaty of 1715.*

After referring to duties on wool and other merchandise, the article concludes: " \* \* \* And all the rights, privileges, franchises, and immunities which shall be granted or permitted to any nation whatever shall likewise be granted and permitted to the said subjects (of His Britannic Majesty); the same shall be granted, observed, and permitted to the subjects of Spain in the Kingdom of His Britannic Majesty."

By the treaty of 1814 (August 25) all these previous treaties between Great Britain and Spain are "ratified, confirmed."

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[Appendix B, No. 869.—Translation.—Extract in reference to smuggling at Gibraltar, from *La Política*, March 16, 1876.]

From Algeciras we receive the following:

"The commandant of the coast-guard station at Algeciras having received confidential intelligence that the schooner *Amalia* was about to sail from Gibraltar under the English flag for the purpose of clandestinely landing her cargo on the Mediterranean coast, as she has done many times before, eluding the vigilance of the coast guards, he gave instructions to the cutter *Invincible* to take up a convenient position, and, in effect, on the 27th of February when the schooner sailed from Gibraltar, she was seized by the *Invincible* outside of British waters, and the captain embarked four seamen on her, setting sail toward the anchorage of Algeciras, the schooner being escorted by the cutter (*escampavía*), which is a Spanish vessel of war (the same as though she was a frigate); but the weather being bad, with a heavy wind, her mast gave way and she was not able to keep on escorting the captured schooner, whereupon the crew of the latter being superior in numbers, the four seamen charged with navigating her were overpowered by the Spanish smugglers (revolver in hand), and she made sail for Gibraltar, anchoring at the arsenal, and the English authorities took charge of the vessel, sending to jail the four seamen of the Spanish ship of war which had captured her. The cutter, having repaired her damages, anchored at Algeciras, and reported to the commandant of the coast guard, who immediately sent a telegram of what had occurred to the captain-general of the department of Cadiz, and went to Gibraltar to confer with our consul there, protesting energetically, and forthwith ordered the preparation of the corresponding *sumario*, in order to clear up and ascertain the facts. Our consul endeavored to procure the release of the four seamen detained in jail, mixed up there with brigands, and was only able to do so on making a deposit of 500 reals for each of them."

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*Mr. Fish to Mr. Cushing.*

No. 342.]

DEPARTMENT OF STATE,  
Washington, March 22, 1876.

SIR: I have to acknowledge your dispatch, No. 853, marked "Confidential," relating to the attitude of the German minister at Madrid on

the question of intervention of the United States in Cuba, with comments by yourself.

I appreciate fully the difficulty and the delicacy of your position and your duties at Madrid, and am glad to recognize the ability with which you meet those duties; and after reading with interest (as I read all your dispatches) the larger part of the dispatch, but with increasing anxiety as I proceeded in its perusal, lest some grave mistake had been made in the instructions from this Department or some series of wrongs had been committed or permitted by this Government, I was very much gratified in reading the concluding part of the dispatch, from the paragraph beginning with "I add that the communication of the note of November to other powers" to find that the instruction of November 5 (No. 266), has in your judgment had the very effect which it had in view.

In these concluding sentences you have condensed, with a force and power peculiar to yourself, and for which I return you my acknowledgment, the main object, so far as effect with other powers was in contemplation, of the instruction. I need not here repeat what you have heretofore been told, that there was neither desire on the part of the Government of war with Spain nor expectation that war was imminent. That war might be the eventual result of a continuance of the condition in which Spain was allowing the relations with this Government to drift was a contingency not to be ignored; and the fact to which you have more than once alluded as one of the causes of alarm and of supposed menace, of the collecting of a naval force at Port Royal, was, in the first instance, for the wintering of the fleet; and secondly, as that harbor was at the same time commodious, convenient, and healthful, to have the force together. The possibility that Spain might protract negotiations for the settlement of the questions which you have been gradually bringing to a close, and the possibility of other events which the President's message sought to prevent, and which in your concluding paragraphs you think (as I do) that he has prevented, were not overlooked, and may have had a remote and incidental influence in the selection of a single harbor for the united winter quarters of the fleet; but in this the inducements of the Government were precautionary, not minatory.

The fact that it has attracted the attention which you report may possibly indicate that it has not been without influence in hastening some of the conclusions which seem to be happily in progress of attainment, and may have contributed to an appreciation of the serious earnestness of the President and of the sincerity of his expressions with regard to belligerence or independence, which, as you justly remarked, have "prepared the way to confidence." It was time that Spain should recognize the sincerity and long endurance of this Government under unfulfilled promises and repeated assaults on the rights of our citizens, and it was time that Spain should earnestly undertake the work of repressing an insurrection which was becoming—which had become—a public nuisance.

In the instruction, No. 266, sent to you, and communicated to other powers, the President had gravely and deliberately considered the course which he believed tended to the best interests of the country, and in the exercise of his constitutional powers and duty he declared it solemnly and earnestly. Had he contemplated or apprehended a hostile movement toward Spain he would not have left it to vague speculation, and you would have been advised of any, however ultimate or remote, intention in that direction.

It is a source of gratification to learn from the concluding part of the dispatch now acknowledged that the instruction of November 5 is appreciated in the sense in which it was intended, and that it meets your approval, as I am confident it will receive your cooperation.

I have also to acknowledge your dispatch No. 855, of the 28th of February, also relating to intervention with especial reference to the attitude of Russia.

I am, etc.,

HAMILTON FISH.

*Mr. Oushing to Mr. Fish.*

No. 877.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 23, 1876.* (Received April 10.)

SIR: My Nos. 835, 849, 853, 855, and 869 will have communicated the impression received by me from intercourse with my principal colleagues of the diplomatic body in reference to the possibility of our being backed in any way by other powers in the idea of intervention or mediation with Spain on the subject of Cuba.

I reported in detail whatever could be gathered by me in this relation from the ministers respectively of Great Britain, Germany, Austria, and Russia.

The contents of your No. 315 have now come to more than confirm the convictions, previously formed by me, as to the indifference, if not opposition, to be expected by us from all the European powers.

1. *Great Britain.*—The Earl of Derby, in a carefully meditated argumentative paper under his own hand, concludes "that if nothing were contemplated (by the United States) beyond an amicable interposition having peace for its object, the time was ill chosen and the move premature."

These expressions, it seems to me, do not merely involve absolute determination of refusal to support us, but even rather positive, if not rude, condemnation of the proposition. Among his premises, two are to be specially noted, namely: (1) Refusal to cooperate, notwithstanding his doubts of the speedy success of the Spanish Government against the Carlists, and (2) citation of the corroborative opinions of Mr. Layard, seemingly done for the purpose of expressly contradicting the suggestion on my part of the favorable disposition of Mr. Layard.

Whatever hopes may have been entertained by me in this respect, based on general expressions of Mr. Layard, you are well aware have been long since dissipated.

I note also that Lord Derby is silent on the subject of the special treaty rights or duties of Great Britain in the matter of the emancipation in Cuba.

And the hint of a favorable disposition on the part of France is met by the declaration of Lord Derby that, in the opinion of the time for interposition being "ill chosen" and the "move premature," the view of the British Government was also that of the French and German Governments.

The observations of Lord Odo Russell to Mr. Davis are curious and suggestive. Was Lord Odo Russell ignorant on the 21st of January of the actual views of his own Government? That seems impossible. Or was he endeavoring to sound Mr. Davis on the hypothesis of joint action on the part of the British and American Governments?

2. *Germany.*—Mr. Davis's report of his interview with Mr. von Bülow edifies and almost amuses me, as offering an example of skillful fence



on the part of the latter to uphold the Spanish side of the question without giving umbrage to the United States, driving Mr. Davis to the necessity of arguing the very premises of the question on our side, without his having been able to extract from Mr. von Bülow explicit information "whether any counsel had been given to Spain, and if any, what it was." I should have preferred the plain rebuff of the Earl of Derby, or even some exhibition of the famous—"brutal frankness" of Prince Bismarck.

For the rest, my study of the Count von Hatzfeldt enables me perfectly to understand what there is behind these studied reticences of Mr. von Bülow.

3. *Russia*.—Lord Odo Russell, on information of the British ambassador at St. Petersburg, states that "all was going on very well for the United States there."

What is the meaning of this statement? Are the two British ambassadors ignorant of the true state of the question at St. Petersburg as well as at London? Or are they in concert to deceive us?

The Russian minister's statement to me was explicit that he was informed (which means, of course, instructed) that your note of November 5 and the consultation of other Governments thereupon were intended only as means of enforcing the settlement of our personal reclamations at Madrid, which shows unmistakably how the question stands at St. Petersburg.

4. *France*.—All that Mr. Hitt could extract from the Duc Decazes consisted of evasive generalities, but in avowed opposition, however, to any intervention in Cuba.

I say evasive generalities, for while the Duc Decazes explicitly states, on the 22d of January, that the action of France will depend on the decision of Great Britain, but excuses his indefiniteness of explanations by pretended ignorance of the intentions of the Earl of Derby, the latter, on the 25th of January, declares in effect that France had already signified concurrence of view with Great Britain in her definite determination.

In conclusion, permit me to express the hope that you will regard this dispatch and the previous dispatches on the same subject in the light in which they are intended—that is, the execution of plain duty in this important relation.

I stand behind the players here and see the cards they are playing. It is not our game. We can do much with Spain, but it will have to be done on our own ground. We have no cause, in my belief, to expect aid from the European powers, not even from Great Britain. The problem rather is to work out our own policy in such way as to avoid obstructions on the part of those powers.

I have, etc.,

C. CUSHING.

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*Mr. Oushing to Mr. Fish.*

[Telegram.]

MADRID, *March 29, 1876.*

FISH, *Secretary, Washington:*

I have explained to Calderon the nature of your 323, and prepared him to receive it in the right spirit. It can not be read to him in English. I might explain it to him in Spanish, but with risk of loss of effect for you as well as for him.

May I give him copy?

CUSHING.

*Mr. Fish to Mr. Cushing.*

[Telegram.]

WASHINGTON, *March 29, 1876.*CUSHING, *Minister, Madrid:*

If requested, you may give copy.

FISH, *Secretary.*

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*Mr. Cushing to Mr. Fish.*

No. 886.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 31, 1876. (Received April 18.)*

SIR: On receiving your dispatch No. 323 and reflecting on its contents, my first conclusion was to seek to prepare the minister of state for the communication and to ascertain in what spirit it was likely to be received.

To this end it seemed to me convenient to preface by telling him what had been the inducement of your dispatch.

I accordingly sought and obtained a special interview, which took place by appointment at the private residence of Mr. Calderon y Colantes on the morning of the 29th instant.

I began by stating the reception of an important message from you to communicate to him, which had been drawn forth by what he had said to me on the 15th of January last, my report of which I should be glad to make him acquainted with in order to ascertain whether it was correct.

He assented, and I then placed in his hands a Spanish translation of so much of my dispatch No. 777 as relates to the subject (beginning at p. 3 and ending at p. 10), begging him to read it aloud and to deny or qualify if he found occasion.

He took the paper and read it aloud deliberately, saying repeatedly as he went along, "Exacto, exacto," and when he had finished, adding that it was a true and accurate account of what he had said at that interview and commending the fidelity of the report.

He subjoined, in passing, that all such of my reports of conversation at the ministry as had appeared in print had been scrutinized and found to be correct by the respective ministers.

I then said that you would be glad to sit by his side in person, as supposed in that interview, and respond to his friendly suggestion in the same spirit of friendship in which it was made, communicating to him your views of what, as "a statesman and a man of honor," you conceived to be fit to be done in Cuba in the common interest of the United States and Spain; and, as you could not do this in person, you desired to do it in writing, if it would be agreeable to him to receive a communication of considerate advice and kindly intentioned counsel.

He promptly replied that it would be entirely agreeable to him.

I said that the communication was of considerable length which my instructions permitted me to read to him, and that this involved the necessity of making a translation, in which something of the delicacy as well as the force of expression might disappear in passing from one idiom to the other, and that with dependence on the ear only for means of appreciation.

He then begged me to obtain leave to deliver to him a copy, which was the occasion of my telegram of the 30th on the subject, to which you have replied assenting thereto.

He mentioned the fact of a copy of his memorandum having been delivered to you by Mr. Mantilla, and said that the King's Government was meditating to do all which that memorandum indicated, and even more, in the direction of good government in Cuba.

Some reference was made to the apparent difference of opinion growing up among the Cubans in Europe as to the policy of mere devastation in Cuba pursued under the advice of the Cubans in New York.

Conversation then passed to the late bad news from Mexico, and thence to recent similar events in Ecuador, Colombia, Peru, the Argentine Confederation, and other countries of Spanish America, their frequent revolutions, pronunciamientos, and civil wars, and the apparent incapacity of the Spanish-American Republics to manage republican institutions or to maintain domestic peace, and to the question whether Cuba was capable of self-government, it being agreed between us that the Spanish Americans inherit all the vices, but not all the virtues, of their parent race in Europe.

But these points, incidental only to the matter in hand, it is unnecessary for me to report at length.

I am now having a copy made of your dispatch, to be delivered to the minister of state at an expected interview on the 1st of April.

I have, etc.,

O. CUSHING.

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*Mr. Cushing to Mr. Fish.*

No. 911.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 19, 1876.*

SIR: On the 12th instant the minister of state invited me to a special interview for the express purpose of conversing with me on the subject of your note of the 1st of March.

He said that he had prepared and should speedily send to me a note in reply, in the same cordial and friendly spirit in which your note was written; but that he desired by anticipation to communicate to me orally the substance of what he proposed to say in more deliberate manner.

He then took up your note and commented on its several suggestions seriatim substantially as in the written note annexed.

In addition to which, some practical points were touched upon, which it seems to me convenient to communicate in a separate and confidential dispatch, which will go by this or by the next mail.

I have, etc.,

O. CUSHING.

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[Appendix B with No. 911.—Translation.]

*Mr. Calderon y Collantes to Mr. Cushing.*

MINISTRY OF STATE,  
*The Palace, April 16, 1876.*

EXCELLENCY: I have read and meditated upon, with the profound interest which its importance merits, the note which under date of the 1st of March of the present year your excellency was pleased to communicate to me, and to which I have the honor of replying.

Before all I beg your excellency to be pleased to express to the Government, which you so worthily represent at this court, the satisfaction and gratefulness of that of His Majesty by reason of the tone, not merely benevolent but friendly, in which the instructions addressed to your excellency by Mr. Fish are conceived. This noble conduct on the part of the President constrains the Government of His Majesty to respond in all sincerity to the same sentiments of friendship and benevolence.

Passing now to examine the kindly suggestions of Mr. Fish relative to the actual situation of Cuba and to the means most adequate for putting a speedy and satisfactory end to it, I shall endeavor to give the solution in the same order as that in which the suggestions are presented.

First. The Government of His Majesty is in entire conformity as regards complying for its part with all the stipulations of the existing treaties, and giving to them a perfect, friendly, and liberal interpretation in all that which may be the subject of doubt or question.

Second. The Government of the King likewise proposes, because it believes it necessary, to change in a liberal sense the régime hitherto followed in the Island of Cuba, not only in its administrative but also in its political part.

Third. Not merely gradual and genuine, but rapid emancipation of the slaves, because the Government of His Majesty recognizes and unreservedly proclaims that slavery neither can nor ought to be maintained in any of its dominions, by reason of its being an anti-Christian institution and opposed to present civilization.

Fourth. The Government of the King finds itself in complete accord not only as to increasing but as to extending to the furthest possible limit all commercial facilities, and causing the disappearance of all the obstacles which to-day exist, and which hinder the rapid and free course of commercial negotiations.

The Government of the King ardently desires to see in the Spanish Senate and in the Congress of Deputies the representatives of the Island of Cuba, as those of Puerto Rico already are in both the colegislative bodies, enjoying in all respects equal rights and privileges with those elected by the Spanish Provinces.

Even effecting the pacification of Cuba exclusively by force of arms, it would not be in any way inexorable toward the conquered, nor does it propose to apply to them the rigor of the law of victory. It will endeavor, on the contrary, to attract the good will of all, to unite all the good sons of Cuba, to grant them rights which they did not enjoy before, and to join them to the common fatherland by the gentle yet strong ties of gratitude and affection.

Such, Mr. Minister, are the sentiments and the purposes of the Government of His Majesty, in perfect consonance with those which are expressed in the note of your excellency to which I have the honor of replying.

But, coming to the practical point and the development of those (sentiments and purposes), the impartiality and uprightness of your excellency and of your Government, of which such striking proofs have been and are now being given, will doubtless admit that not all of them can be realized at the present moment, as the Government of His Majesty would sincerely desire.

In so far as concerns the amnesty and the consequent restoration of property of all kinds embargoed from the insurgents and the refugees, no serious inconvenience stands in the way of its being conceded forthwith, provided they previously submit themselves to the Government of the King.

It is materially impossible to hold elections for senators and deputies in the actual state of insurrection, as it has been so in Spain itself in the provinces wherein the civil war raged; but the Government of His Majesty contracts from henceforth the solemn engagement to command that they take place so soon as the island be pacified, or the insurrection be at least reduced to insignificant proportions.

Without fear that anyone will deny it with proper grounds therefor, I am able to assure you that, but for the insurrection, there would not now have been for some time a single slave in the Island of Cuba; but at the present time, the negroes and mulattoes constituting one of the principal elements of the insurrection, their freedom would be, even in the judgment of those most opposed to slavery, a very grave peril, not only for Spanish rule and for all the Spaniards and Cubans faithful to the metropolis, but also for the whole white race of the island.

The Government of His Majesty, cherishing the well-grounded hope of accomplishing within a brief period the pacification of Cuba, or reducing the insurrection to unimportant limits, is now engaged in preparing the means of replacing, without injury to agriculture, slave labor by free labor, whereby all the nations which maintain commerce with the Island of Cuba will be the gainers, because that commerce would be but poorly nourished did the soil cease to produce through lack of cultivation.

I have set forth with perfect sincerity the desires and the views of the Government of His Majesty, thus reciprocating, as I should, the friendship of the Government of the Union and its loyal purposes. I desire to know the opinion of the latter respecting the solutions and the occasion of realizing them, which I have just indicated; and I conclude by reiterating to your excellency my earnest wish to go on in perfect accord with the Government of the Great Republic in a matter wherein, when examined with true elevation and without prejudice, there is a common and legitimate interest; that is to say, the peace of Cuba, and a government prudent, generous, and liberal in all its proceedings.

I avail, etc.,

FERNDO. CALDERON Y COLLANTES.

*Mr. Oushing to Mr. Fish.*

No. 914.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 19, 1876.*

SIR: What I have to add to the contents of my No. 911, of this date, consists of a few points of practical suggestion, arising out of my interview with the minister of state.

You speak in your note of modification of existing treaties. Mr. Calderon y Collantes says he is perfectly ready to act on any modification you may propose. Spain will receive in the best disposition any proposal for the amendment of the treaty of 1795 which may be presented by the United States.

#### COMMERCIAL ARRANGEMENTS.

Mr. Calderon y Collantes says Spain would be but too glad, either by treaty or by concerted legislative arrangements, to enlarge the scope or facilitate the prosecution of the commercial intercourse of the two nations. The great solicitude of Spain at this time is to cultivate her material interests. She invites negotiation on the subject with the United States.

#### AMNESTY.

Mr. Calderon y Collantes says the King's Government would cheerfully grant amnesty to the rebels in Cuba. It is not actuated by the slightest vengefulness of spirit. Indeed, in its dealing with the Carlists, its mercifulness of temper is the subject of vehement reproach on the part of the opposition. But how, he says, can the Government force an amnesty on the negro incendiaries and assassins in Cuba? Can the Government restore his property unconditionally, to be used by him from his refuge in New York in procuring the conflagration of the property and the assassination of the persons of the innocent and helpless noncombatants of the Island of Cuba?

Such is the dilemma he propounds to me in this relation.

Now, what shall I say to the minister of state on these three critical points?

As to the question of modification of existing treaties, or negotiating for commercial advantages, my hands are tied by the peremptory tenor of your dispatches on this point, repelling all idea of treaty negotiation with Spain.

But, how shall we proceed in the beneficial modification of treaties, or the acquisition of new commercial advantages, without a mutual understanding; in a word, without either treaties or agreed legislative enactments in the nature of treaty?

It occurs to me that, now that the two Governments have at length for the first time frankly and definitely considered the text of the treaty of 1795, and that the question of its application has been reduced to its due proportions by your No. 281 of December 27, 1875, and that all controversy on that point is in the way of being satisfactorily terminated, you may possibly be less disinclined to enter into new treaty negotiations with Spain. May not that be inferred from these heads of your note of March 1? I hesitate, however, to act in this direction without specific instructions, and therefore can not take up these intimations on the part of Mr. Calderon y Collantes.

Be it remembered that Spain has never failed to treat in the most friendly spirit with or in behalf of the United States, as witness the treaties of 1779, 1783, 1795, 1802, 1819, 1834, and 1870. She thinks the treaties of 1795, 1819, and 1870 were eminently of this amiable character.

Be it remembered also that all our troubles with Spain have been incidents of the delirium tremens of anarchy and revolution which seized upon her in 1868, involving civil war in Cuba, in the northern provinces, indeed all over the peninsula. With recovery from that craze has come a steady course of reparation as regards the United States. Why should we not avail ourselves of such inviting circumstances?

In like manner my hands are tied and my lips are closed on the subject of amnesty, which so far as concerns us involves the single question whether the United States, while so constantly striving to influence Spain, can and will do anything to influence the rebels of Spain.

All Madrid believes that, faulty as has been the administration of Spain in Cuba, most of the maladministration has been the logical effect of the factious, ungovernable, and traitorous spirit and conduct of the Cubans themselves, rebellious, as all Spaniards are prone to be, by their hereditary national character.

Thus it is alleged that no repressive measures would ever have been adopted in Cuba but for the frequent rebellions or attempted rebellions there in times of complete order, tranquillity, and prosperity, as in 1823, 1829, 1837, and 1854, including the infamous acts of Narciso Lopez in twice recruiting armed foreign adventurers to invade the island, the worst of all forms of treason.

In fine, as every American bears witness after seeing both, the Cubans are Spaniards, with all the faults of Spaniards in aggravated degree; and whereas discontent is the habit in Spain, and violence the ordinary manifestation of discontent—whereas in Spain opposition parties systematically pursue the practice of quarreling with any and all Governments, however well-intentioned these may be, and deliberately provoking measures of repression in order to have pretext to declaim against oppression and tyranny—so the Spaniards say it always has been in Cuba.

However this may be, it certainly makes the blood run cold to read letters like that of the American lady, Mrs. Julia M. Garcia, narrating the sack and burning of her plantation and the murder of her servants by one of the negro bands of ———. Assuredly, indiscriminate incendiarism and assassination, applied to the property and persons of innocent and peaceful persons, noncombatants, is not war.

So, in reading the manifestations of ——— in the *Revolucion*, the *Independencia*, and the *Sun*, and contemplating their base calumny of the President, yourself, and the Government of their asylum, and the cowardly malignity and cold-blooded atrocity of the policy of systematic incendiarism and assassination which constitutes their theory of independence in Cuba, one is prone to ask whether these men are not mere wild beasts, fit only to be shot down at sight to rid the world of such loathsome and hateful monsters.

Indeed, the conduct of the Cubans and of their directors in New York has had the mark of infamy indelibly stamped upon it by the expressions contained in the last annual message of the President.

Oftentimes, it is true, in the history of rebellions, especially as they become prostrated or hopeless, the worst traits of human wickedness appear to become developed, as in the plan for burning or poisoning

New York conceived by some of the Confederates, and as in the horrors perpetrated by the Communists of Paris.

Spaniards, also, are among the worst of rebels. They do not stop to draw the line between political opposition and rebellious conspiracy, to estimate the morality of the means employed to gratify their feverish thirst for office, or to calculate the dynamic relation of the means to the proposed end.

We in the United States would think it strange enough to see a disappointed candidate for a ministerial portfolio or a foreign mission undertake to get up a rebellion against the Government, or to invade it in arms at the head of a gang of foreign miscreants and ruffians recruited in Canada or Cuba. Yet that is the way they do things in Spain.

In short, these men are Spaniards, in whose character the most flagitious sentiments are seen to be most prominent, while behind is a fund of generosity and honor.

Their present line of action is abominable as to morality, while it is stupid suicide as to politics. It is abominable to burn the property and murder the persons of peaceful planters in Cuba in order to weaken Spain; it is suicide to pursue the policy of systematically endeavoring to destroy Cuba in order to spite Spain.

That destruction involves irreparable loss to the United States as well as Spain.

But are ——— and ——— so bad as they seem, and as their acts indicate? On the face of things it is hard to see in what respect Thomassen or Keith, he of the infernal machine, is a worse man than ——— or ———.

Still, it seems impossible to believe that they can be wholly insensible to influences of honor and of reason. In their case, as in other analogous cases, it would seem that a sort of mental alienation supervenes to blind men to the true character of their acts.

Are these men, then, or are they not, amenable to influences of reason and humanity, addressed to them by the United States?

Surely, if they are not, Spain may well think it is of no use for her to seek to influence them by acts of gratuitous generosity, even to oblige the United States.

These considerations are of the very essence of the question of amnesty as between the United States and Spain.

You have touched on this point once or twice, but so lightly as to leave me in doubt whether it is right or proper for me to enter into the question with the minister of state; which compels me to be silent at the very point where explicitness of conversation might efficiently promote the desires of the United States for the pacification of Cuba.

Submitting these views to your better judgment,

I have, etc.,

O. CUSHING.

*Mr. Fish to Mr. Cushing.*

No. 383.]

DEPARTMENT OF STATE,  
Washington, June 16, 1876.

SIR: Upon reading your No. 956<sup>1</sup> of the 20th of May, inclosing an extract from the *Independencia*, of New York, professing to contain a "programme" of the revolutionists in Cuba, with your comments as to the extremities to which the insurgents have proceeded, I am reminded

<sup>1</sup>Mr. Cushing's No. 956 incloses a programme of the revolutionist junta in New York, and comments upon its effects in Spain. It does not seem to be responsive to the resolution.

of your two dispatches, Nos. 911 and 914, both dated April 19, 1876, informing me of the communication to the minister of state of instruction No. 323 of the 1st of March.

You will remember that this instruction was addressed to you because the minister of state was pleased to invite a frank statement concerning the precise thing which this Government would advise or wish Spain to do, pursuant to which intimation I frankly informed you of the views of this Government as to what course might be adopted with a view to the restoration of peace in Cuba.

On almost every occasion heretofore, when complaints have been made of the damage to this country and to all countries having relations with Cuba, growing out of the insurrection, or when friendly suggestion has been made, as in this case, substantially the same answer has been returned, namely, that the insurrection was about to be suppressed; and when that had happened, then, but not before, reforms which were admitted to be required would be inaugurated and measures necessary to the peace and prosperity of the island adopted. The insurrectionists, on the other hand, have been unwilling to rely on these assurances or to lay down their arms. Thus things have proceeded, and the insurrection is no nearer to suppression now than years ago, and the needed reforms as distant as some years since.

It has been averred that certain high authorities in Spain did not at first object to a show of revolution or revolt in Cuba, as such a condition of affairs gave ready excuse for increased taxation and new burdens. Of this I say nothing and express no opinion; but it seems to be indisputable that the determination of Spain to do nothing by way of reforms, nor to aid in any improvement in affairs until the insurrection had been suppressed, has prevented its suppression and virtually prevented the introduction of any better state of affairs in the island.

With, therefore, a continuation of the same policy on the part of the authorities of Spain as is foreshadowed by the minister of state in his communications to you touching my instruction of the 1st of March, and in other quarters, and with the determination of the insurgents, if such can be said to be foreshadowed in this extract from the *Independencia*, or if the same be genuine, with the extreme views of the two parties, neither willing or intending to yield to the other, and with the want of power or ability of either to coerce the other, there seems little hope that anything is soon to be expected in the interest either of good government in Cuba or that will lead to peace and prosperity in the island.

I am, etc.,

HAMILTON FISH.

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*Mr. Oushing to Mr. Fish.*

No. 1027.]

LEGATION OF THE UNITED STATES,  
*Madrid, July 10, 1876.*

SIR: I received some time ago a letter from the American Peace Union, inclosing an address to the King to propose a board of international arbitrators to settle the little misunderstanding between the "nation" of Spain and the "nation" of Cuba, to which I have just now snatched a moment to make response. A copy of the correspondence is annexed.

I have, etc.,

O. OUSHING.



## AFFAIRS IN CUBA.

[Inclosure 1 with No. 1027.]

*Mr. Love to Mr. Cushing.*PHILADELPHIA, *January 19, 1876.*

RESPECTED FRIEND: The Peace Society of America has passed the resolution inclosed and has to request that you favor us by presenting or forwarding it to the court of Spain, that the proposed matter may be considered there as well as at our capital and in Cuba, as we have forwarded duplicates to both places—and I believe President Grant favors the proposition.

We have had this written in Spanish for Spain and Cuba, and we trust it will receive proper attention.

We are well convinced that this course will be popular and profitable, and with the highest appreciation of your services, and thanking you in advance for the favor asked,

I am, etc.,

ALFRED H. LOVE,  
*President of the Universal Peace Union, American Branch.*

[Inclosure 2 with No. 1027.—Translation.]

## PROPOSED ADDRESS OF THE PEACE SOCIETY TO THE KING OF SPAIN.

At the ninth anniversary of the Society of Peace of Pennsylvania, branch of the Universal Peace Union, celebrated in the city of Philadelphia the 30th of November, 1875, the following conviction was unanimously adopted, and it was ordered that it be sent to the King of Spain, to the President of the United States, and to the powers of Cuba, with the hope of its adoption by all:

“We are convinced that the principle of national and international arbitration may be made popular and appropriate for terminating all differences between nations, and that if the motives of disturbance between Spain and Cuba were submitted to a tribunal of wise and conscientious arbitrators they would be adjusted with comparatively small cost and delay, to the mutual satisfaction and great benefit of both countries.”

ALFRED H. LOVE,  
*President of the Universal Peace Union,  
No. 215 Chestnut Street, Philadelphia, United States.*

PHILADELPHIA, *January 1, 1876.*

[Inclosure 3 with No. 1027.]

*Mr. Cushing to Mr. Love.*MADRID, *July 7, 1876.*

RESPECTED FRIEND: I have had under consideration your esteemed favor; and, cordially concurring as I do in appreciation of the laudable object you have in view—that is, the pacification of Cuba—and earnestly as I have myself labored in the same spirit on various occasions, I regret that it is not in my power to deliver to the King of Spain the address which you inclose, suggesting a board of international arbitration for the settlement of the contest between him and his insurgent subjects in Cuba.

In the first place, I have no right, as envoy and minister of the United States, to make any political communication to the King. That is a privilege reserved exclusively to ambassadors. To overstep the line of diplomatic rule and usage in that respect would not only expose me to censure, but would be prejudicial to the contemplated object.

In the second place, I have no right to make official communications of this nature to the minister of state, with whom alone it is competent for me to treat, except on instructions from my Government.

Meanwhile, the object of your proposed address to the King, as appears by documents communicated to Congress, with which you are probably acquainted, has been the subject of continual correspondence here, in obedience to specific instructions of the Department of State, which define and limit my rights and duties in this respect.

For these reasons I have felt myself constrained to adopt in your case the rule of conduct observed in all new matters presented to me—that is, to refer the subject of our correspondence to the Secretary of State of the United States.

Permit me, in conclusion, to make a single observation respecting the tenor of your proposed address to the King of Spain, and this not in the sense of criticism, but of explanation.

This address starts from the premises of the general utility of international arbitration. You will see, by glancing at the third chapter of the volume which accompanies this letter, that my own advocacy of international arbitration is as earnest as that of the Peace Union.

But your address proceeds to assume that Spain and the insurgent Cubans are in the relation of foreign nations one to another. To the contrary of this, as the last annual message of the President of the United States conclusively demonstrates, such is not either in fact or in right the present condition of the Cubans. A secession insurrection exists in Cuba, but not in a state to be recognized by the United States (or by other Powers) as an independent, or even belligerent, nationality.

Moreover, the question which shall yield to the other, and on what terms—insurgent subjects or their sovereign—the issues of a war of independence—is one of the questions on which arbitration is impossible.

Could President Lincoln have entered into international arbitration with the persons in arms in the Southern States on the question of the dissolution of the Union? Clearly not; nor, I think, did the "Peace Union" or any other friends of peace advise such a course on the part of our Government. We did not regard the Southern States as a nation, although they had been recognized as belligerents by foreign powers and had infinitely higher pretensions to be considered a nation than the comparatively handful of insurgents in Cuba. Nor has Spain yet consented to regard the insurgents in Cuba as a "nation." Of course she is not likely to enter into an agreement with them to arbitrate the question of the secession of Cuba from Spain.

Let me ask, on the other hand, what is the relation of the "Peace Union" to the insurgents in Cuba? Have they listened to your suggestion of an arbitration? If you, the friends of peace, can exert any influence in that quarter, you will be performing a great and glorious work, in the interest alike of Spain and of Cuba.

I remain, etc.,

C. CUSHING.

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*Mr. Oushing to Mr. Fish.*

No. 1029.]

LEGATION OF THE UNITED STATES,

*Madrid, July 11, 1876.*

SIR: Will you permit me to make some observations of a consolatory tendency in reference to the nonsuccess of your earnest efforts to meliorate the condition of things in Cuba?

1. You encounter, in the first place, the indisposition of either party to the contest in Cuba to listen to the counsels of wisdom and friendship. It is the very predicament described by a late writer in the following words:

There are conjunctures in history in which reasoning and the attempt at persuasion fail. Where opposition is irreconcilable, where each party is striving heart and soul for an object, which the other looks upon as ruin and ignominy to himself, there can be no arbitrament but force. The ruler must show his power to rule, the subject must show his power to win independence.

Is not this true? Is there any example in history in which rebellions have yielded to reason—when either the sovereign or the rebellious subjects could be persuaded to cease from strife, until after the one or the other party had been vanquished?

We in the United States have possessed parliamentary institutions for more than three centuries—not one only, as might be inferred from the rejoicings of the late Fourth of July. We think we are—we are—imbued with all the instincts of order, peace, and good government.

Now, would we of the North have listened to any suggestion from abroad to desist from the effort to put down secession by force of arms? Would our insurgent fellow-citizens in the South have been persuaded to lay down their arms by any promises, assurances, or even concrete acts on the part of the Government of the Union?

Again, going back to our own insurrection against Great Britain, would any proposition of hers, or even enacted measures for better administration of the colonies have influenced us to make peace? Or could Great Britain yield to us until defeated in all quarters, and completely disheartened, by the combined forces of the United States, France, Spain, and the Netherlands?

With enlightened zeal you have labored thanklessly for the peace and welfare of Cuba and of Spain herself, and if you have not been able to effect all the good you desire, it is only because you have had to encounter impediments of moral impossibility in the nature of things.

2. In the second place, my residence in Spain has enabled me to appreciate the true cause and character of maladministration in Cuba. It is that the governors are incapable of conducting and the governed equally incapable of receiving good government. They are all Spaniards alike, as General Prim so often said, whether you call them Peninsulars or Cubans. And (to say nothing of the colored population) it is not the best of the Spaniards, Creole or Peninsular, which constitutes the population of Cuba.

Now, has there been maladministration in Cuba? So there has been in Spain herself. Have there been rebellions in Cuba, guerrilla warfare, burnings, sacking of towns, military executions, deportations, embargo of private property, banishments, suspension of suffrage, arbitrary domination of captains-general? So all these things have been occurring in Spain. She has had naught else for more than sixty years but alternations betwixt anarchy and despotism. The few periods of comparative, but transient, tranquillity she has enjoyed during the reign of Queen Isabel were due to the mere usurpation of two great generals, Narvaez and O'Donnell, to whose administrations of the sword men look back now as to the halcyon days of Spain. Since the dethronement of Queen Isabel—that is, during the very period of the civil war in Cuba—there has not only been civil war in Spain, but, simultaneous therewith, a rapid succession of provisional and experimental governments, each destitute of inherent stability, and every one of which subsisted only by means of irresponsible dictatorships, except that of King Amadeo alone, who fell simply, as men say, because he was the only man in Spain scrupulously faithful to his oath and obstinately adhesive to the constitution of the country.

And yet, constitutionally honest as he was, his ministers betrayed him and assassins (not yet punished) fired on him on a bright moonlit evening in one of the most frequented and brilliantly lighted streets of Madrid. Possibly if Prim had not been assassinated in the street (by men, they also not yet punished), Spain might have been saved from her extremest days of misery, the cantonal insurrection, but that is doubtful, since the misfortunes of Spain and of Cuba are conditions of the national character, as manifested alike in Spain and in all Spanish America.

For, let me repeat, the governors and the governed, all the same in race, and with defects aggravated in the latter by tropical life and by association with slaves, are at least equally to blame for the calamities of Cuba.

In fine, looking at the subject from the point of view of the interests of the United States, which alone is of account in the face of a civil contest where both parties are deaf to the counsels of friendship and to considerations of sympathy and humanity, it seems to me that we have much to lose and nothing to gain by compromising ourselves in the matter of Cuba, it being superabundantly evident that, whether as to

Lopez and his companions laboring professedly to betray their country to a foreign nation for the promotion of slavery, or in the case of Aldama and his associates, laboring to betray it to the same nation for the gratification of personal resentment and ambition, they all have but one thought as respects us, namely, to make a cat's-paw of our Government, while ready to emulate, on the earliest possible opportunity, the "sublime ingratitude" of Schwartzenberg.

I have, etc.,

C. CUSHING.

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*Mr. Fish to Mr. Cushing.*

No. 401.]

DEPARTMENT OF STATE,  
Washington, August 1, 1876.

SIR: Your dispatches Nos. 1025,<sup>1</sup> 1026,<sup>1</sup> 1027,<sup>1</sup> 1028,<sup>1</sup> 1029,<sup>1</sup> 1030,<sup>1</sup> 1031,<sup>1</sup> 1032,<sup>1</sup> 1033,<sup>1</sup> and 1034<sup>1</sup> have been received.

With reference to No. 1027, inclosing a copy of the correspondence between the American Peace Union and yourself on the subject of a board of arbitration between Spain and the insurgent Cubans, I have to state that your course as therein set forth is approved.

I am, etc.,

HAMILTON FISH.

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AUSTRIA.

*Mr. Fish to Mr. Orth.*

No. 38, of November 15, 1875, and telegram of December 13, 1875. (Same as No. 756, of November 15, 1875, and telegram of December 6, 1875, to Mr. Washburne, pp. 98, 99.)

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*Mr. Orth to Mr. Fish.*

No. 75.]

LEGATION OF THE UNITED STATES,  
Vienna, December 14, 1875.

SIR: This morning I received the following telegram, dated Washington, December 13, 1875:

Proceed as instructed in No. 38.

Accordingly, I repaired to the office of the imperial royal ministry for foreign affairs to seek an interview with Count Andrassy, but learned from Baron Hofmann, "sections chef," or assistant secretary of foreign affairs, that Count Andrassy was somewhat indisposed; that he is now in Budapest, but is expected to return to-morrow. I informed Baron Hofmann that I was instructed by the President to make a confidential communication to the minister of foreign affairs, and he replied that I could, if it suited my convenience, have an interview for such purpose on Thursday, at 12 o'clock, with Count Andrassy, or, should the Count still be indisposed, then with Baron Hofmann. I shall, therefore, on next Thursday, as instructed, communicate "instruction No. 266 to Mr. Cushing, United States minister at Madrid," contained in your dispatch No. 38, of date November 15, 1875.

I have, etc.,

GODLOVE S. ORTH.

## AFFAIRS IN CUBA.

*Mr. Orth to Mr. Fish.*

[Telegram.]

VIENNA, *December 16, 1875.*

Instruction communicated. Answer next week. Probably unsatisfactory.

ORTH.

*Mr. Orth to Mr. Fish.*

No. 78.]

LEGATION OF THE UNITED STATES,  
*Vienna, December 16, 1875.*

SIR: In my dispatch No. 75 of day before yesterday I stated that my interview with the Imperial Royal minister of foreign affairs was arranged for this day at 12 o'clock. I accordingly repaired to the foreign office, where I met Baron Hofmann, who informed me that Count Andrassy had returned from Budapest still somewhat indisposed, but that he was, by previous arrangement, having a consultation with the ambassadors from Germany and Russia with reference to the proposed action of the three powers in the matters connected with the insurrection in Bosnia and Herzegovina; that these matters, in which the Austro-Hungarian Government had such direct and immediate interest, would probably occupy the entire attention of Count Andrassy for several days; that for these reasons the Count regretted very much that he could not receive in person the communication I was instructed by the President to make to his Government, and that, in order to avoid further delay in receiving such communication, he had authorized Baron Hofmann to receive the same for him. Thereupon I informed Baron Hofmann that the communication I was instructed by the President to make to the Austro-Hungarian Government had reference to the unfortunate condition of affairs now, and for several years past, existing between the Government of the United States and that of Spain, growing out of the insurrection in the island of Cuba.

That such contest had now continued between Spain and her colony for the period of about seven years, characterized by violations of the rules of civilized warfare, by pillage, by wanton destruction of property, and was threatening the desolation of a large and most fertile island, in close proximity to our own shores, and in whose peace, prosperity, and commerce the people of the United States had a most direct and immediate interest.

That the unhappy contest thus long waged between Spain and the insurrectionary forces in Cuba still continues unabated and with no present prospect of a termination.

That during the years of this conflict citizens of the United States had frequently suffered in person and estate from the lawless acts of the parties engaged therein, and that the Spanish Government, after frequent representations on the part of the Government of the United States, had not been able, or willing, to compensate such citizens for losses incurred and damages sustained, nor could the Spanish Government give any reliable assurance of immunity from such acts in the future.

That the Government of the United States has no ulterior or selfish motives in this matter, and no desire to take advantage of the distracted internal condition of Spain, but, on the contrary, it is the earnest desire of the President that there should be "a termination of the

disastrous conflict in Cuba by the spontaneous action of Spain, or by the agreement of the parties thereto."

After this preliminary statement to Baron Hofmann, I proceeded to read to him the instruction No. 266, of date November 5, 1875, addressed by the Secretary of State to Mr. Cushing, United States minister at Madrid. The Baron listened with marked attention to the statement and "instruction," taking notes of the principal points contained in each.

He then remarked that, personally, he takes a lively interest in everything pertaining to the Government and people of the United States, and desired me to say to the President that the Austro-Hungarian Government felt a continuing friendship for that of the United States, and everything pertaining to its honor and prosperity, and that I should convey to the President the thanks of this Government for the frank manner in which he had caused to be brought to its attention the delicate and critical relations now existing between the Government of the United States and that of Spain, and expressing a sincere hope on the part of his Government that the friendship between the United States and Spain might not suffer even temporary interruption in consequence of the causes arising from the present unhappy state of affairs existing between Spain and her ancient colony.

I thereupon ventured to suggest that it might be consistent with the views of the Austro-Hungarian Government, in the interest of humanity and of peace, and in the spirit of that good-fellowship so long existing between Austria and Spain, to bring to the attention of the latter Government the importance to her of the termination, of her own volition, or with the concurrence of her insurgent subjects, of a contest already waged for seven long years, and thus far without any reasonable prospect of being ended by the further effusion of blood or waste of treasure.

The Baron replied that from the communication I had made he felt that he fully comprehended the present position of the Government of the United States in this matter; that he should make a full brief of the case for the consideration of Count Andrassy and the Imperial and Royal ministerial council, but should Count Andrassy desire fuller information he would not hesitate to apprise me and request a future interview for that purpose, to which I rejoined that it would afford me pleasure at any time to comply with Count Andrassy's wish in this respect.

That, occupying a subordinate position himself, he could not undertake to say what might be the view of the Austro-Hungarian Government in reference to my suggestion, but he might be permitted to add that inasmuch as the position of the Government of the United States, as set forth in the instruction No. 266, had been brought to the attention of the Spanish Government by Mr. Cushing, it was not improbable that the Spanish Government, through its minister at Vienna, would also bring the matter to the attention of the Austro-Hungarian Government, and using as he said, "a common expression," there are generally "two sides to a question." That he meant, however, by this expression only to say that his Government might, out of deference at least to the Government of Spain, desire to hear from its representative before forming any judgment or expressing any opinion upon a matter so gravely affecting the future peace of both countries.

He added further, that it was at all times a most delicate matter for one government to volunteer suggestions to another regarding its action, with reference to which the "suggesting Government" had no immedi-

ate interest. That, as I was well aware, the Austro-Hungarian Government "had its hands full" in the present troubles on her southern border (alluding to Bosnia and Herzegovina), and that she might deem it the part of wisdom to refrain from even a suggestion in which she had only an interest in common with other Governments.

That these were to be taken by me only as his own ideas, and not as indicating what might be the views of his Government after a more thorough examination of the question in all its phases, but he desired especially to impress me with the fact that the Austro-Hungarian Government entertained for the Government of the United States the utmost respect and friendship, with best wishes for her continued peace with the other nations of the world, and a continuance in that career of prosperity that has thus far distinguished her history, and that I should, at as early a day as practicable, be informed in writing as to the conclusion to which his Government should arrive in the premises.

I have, etc.,

GODLOVE S. ORTH.

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*Mr. Orth to Mr. Fish.*

(Telegram.)

VIENNA, January 12, 1876.

Andrássy requests copy of Cuban dispatch. Shall I comply?

ORTH.

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*Mr. Orth to Mr. Fish.*

No. 90.]

LEGATION OF THE UNITED STATES,  
Vienna, January 13, 1876.

SIR: I have been waiting patiently for the reply of the Austro-Hungarian Government to the note on the Cuban question, which I was instructed to bring to its notice, and which reply in writing was promised at an early day, as I advised you in my No. 78.

On the 8th instant I received a copy of the Daily (London) Telegraph, in which I found a telegram sent from this city on the 4th instant, relating to this subject, which is attached hereto.

This telegram speaks in a tone of official inspiration, and mentions facts which its author could hardly have divined. My first impulse was to bring it to the attention of the ministry of foreign affairs, and learn whether it be true as stated that "the Austrian Government \* \* \* will not reply to the long American dispatch, which was only read to the Austrian minister for foreign affairs," etc.

Upon reflection, however, I deemed it the wiser course to await the further action of the ministry.

In this connection I desire to state that Count Andrássy is still at Budapest in conference with the ministries of the two Governments of Austria and Hungary, as advised in my No. 88, and will probably remain there two or three weeks, as there is at present no immediate prospect of a settlement of the difficulties now engaging their attention. And in addition to this, the "Eastern question" is so constantly engrossing his attention that it is very doubtful whether I can soon obtain a personal interview with Count Andrássy upon this subject.

Hearing nothing from the Imperial and Royal ministry on the subject of the Cuban note, I repaired yesterday to the foreign office and had a

somewhat lengthy interview with Baron Hofmann. I commenced the interview by stating that for certain sufficient reasons the President would be pleased to receive an answer as promised from this (the Baron's) Government, with reference to the note I had the honor of reading to him at our last interview. The Baron replied by stating that the attention of Count Andrassy had been, and still is, so thoroughly engrossed with important matters—the Eastern question and differences in Hungary—immediately affecting his own Government that he had not been able as yet to consider the matter I had brought to his attention. That the Count was very desirous of having a copy of the Cuban note so that he could carefully examine it before giving any answer. To which I responded that my instructions merely authorized me to read it to him. The Baron then proceeded, stating that after our last interview he had an interview with the Spanish envoy, the Duke de Tetuan, on the subject, who informed him that the Spanish Government was exceedingly anxious to suppress the revolt in Cuba, and was only awaiting the final overthrow of the Carlist insurrection to send an armament of sufficient strength to Cuba to restore tranquillity to the island.

The Baron further stated that whatever might be the views of his Government on this question, they were not prepared to take the initiative, and hence had soon after my last interview entered into correspondence with the Governments of Great Britain, France, Germany, and Russia for the purpose of ascertaining their views and intentions, and had also fully communicated their action in the premises to their envoy at Washington. That thus far they had not received any response from either of the Governments of Great Britain, France, or Russia, letting me infer that the German Government had made a response, although he (the Baron) did not expressly say so.

At this point I called his attention to the telegram in the London Telegraph which seems to state with the positiveness of authority that no answer would be given by the Austrian Government. After examining the telegram very attentively, the Baron with some warmth replied that it was untrue that such was the position of his Government. He reiterated that his Government would not take the initiative, and especially did they desire to know the views of Great Britain, which, of all European Governments (with the exception of Spain), was most directly and immediately interested in the Cuban question.

Again he expressed the desire of Count Andrassy to have a copy of the Cuban note, when I replied that I would advise you by telegram, as I did soon after leaving the foreign office, of such desire, and be governed by your direction in the premises.

I have, etc.,

GODLOVE ORTE.

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[Inclosure 1 in No. 90.—Extract from the Daily (London) Telegraph, January 8, 1876.]

VIENNA, January 4.

The cabinet of Madrid learned in the middle of December, from a confidential quarter, the contents of the circular note of the United States Government to the European Powers relative to Cuba. It thereupon instructed its representatives abroad to explain to the Governments to which they are accredited that the Cuban question was not one only of American but of European interest. Complications between America and Spain might have incalculable consequences for Europe. In the first place, they would encourage the Carlists to make a prolonged resistance, and revive the hopes of the Federalist Republicans and Socialists in Spain. The Austrian Government received these declarations in a friendly manner, and will not reply to the long American dispatch, which was only read to the Austrian minister for foreign affairs, and which, moreover, not only repudiates any intention of annexing Cuba, but in reality contains no definite conclusions.



*Mr. Fish to Mr. Orth.*

(Telegram.)

WASHINGTON, *January 14, 1876.*

ORTH, *Minister, Vienna:*

Copies two sixty-six not furnished other Governments, nor communicated here. Vienna papers first published purport after your interview. Give information on any point, but prefer at present not to give copy.

FISH, *Secretary.*

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*Mr. Orth to Mr. Fish.*

No. 91.]

LEGATION OF THE UNITED STATES,  
*Vienna, January 17, 1876.*

SIR: On Saturday morning, the 15th instant, I received from you the following cable telegram, which I have translated as follows:

Copies two sixty-six not furnished other Governments nor communicated here. Vienna papers first published purport after your interview. Give information on any point, but prefer at present not to give copy.

This afternoon I called at the foreign office, and finding Count Andrassy still absent at Budapest, I informed Baron Hofmann that I had received an answer from you and that you "preferred at present not to give copy" of No. 266. The Baron made no special remark further than to say the copy was desired by Count Andrassy rather than by himself.

With reference to that portion of your telegram which says, "Vienna papers first published purport after your interview," I will state that some of the papers of this city during the first week in this month published extracts from some Parisian paper indicating that our Government had addressed a note to the several Powers in Europe on the subject of Cuba without giving any very distinct idea of the contents of such note; that on the morning of the 5th instant the Presse, of this city, which is understood to be in the confidence of the ministry here, published the following telegram from London, dated January 4—

Reuter's Agency reports from New York that in the note of the Government of the United States addressed to the Powers relative to Cuba, the union of Cuba and Puerto Rico under one Spanish Governor-General is proposed—

and on the same day it had a leading editorial, based apparently upon the foregoing telegram, in which, however, it alludes, at least incidentally, to the note—doubtless meaning No. 266—and gives its views at length upon the Cuban question.

This editorial assumes more importance than it otherwise would from the fact, as stated above, that it is said to enjoy the confidence, and hence may be regarded as somewhat reflecting the views, of the ministry.

I attach hereto the original, as well as translations of said editorial and also of said telegram.

I have, etc.,

GODLOVE S. ORTH.

[Inclosure 1 in No. 91.—Translation from the Presse of Wednesday, January 5, 1870.]

NORTH AMERICA AND CUBA.

North America labors vigorously and incessantly to make the Cuban question an international one, and to elevate it to the position of a burning one before the Spanish arms can succeed in making it disappear from the world. To-day it is announced by telegram from New York that the note of the Government of the United States to the Powers relative to Cuba proposed the union of Cuba and Puerto Rico under one Spanish governor-general. The European diplomacy, which was enlightened with the hearing of the extraordinarily long American document—a copy of the same was not left—might be not disagreeably astonished to learn what actually might be the small meaning of the long discourse. The omission of every conclusion in the document of Mr. Secretary Fish was until now everywhere remarked; he had hitherto excused the European Governments from the duty of giving an answer to the Washington Government, and the Madrid Government did not this time require, as with the message of President Grant, to answer with a formal memorandum. Substantially, the long and short of the American note was to the effect that the insurrection in Cuba must come to an end. It was careful to represent, in constantly recurring phrases, that no individual interest of any kind had actuated the United States, who positively had not the least thought of appropriating the Pearl of the Antilles.

Here and there the idea is brought forward that the creation of a certain autonomy for Cuba was to be recommended, but as to a formal proposition to the Powers to unite Cuba and Puerto Rico under one Spanish governor-general, it is, to the best of our knowledge, not mentioned. Such a proposition would not have the slightest prospect of success either with Spain herself or with the Powers. In the first place, it does not appear how such a union of the two Antilles would solve the question for which alone the Washington Government is desirous of interesting the Powers, nor how it could produce an end to the insurrection in the Island of Cuba. Then all European powers, without exception, would reflect twice before they would with such a proposition so deeply interfere in the internal affairs of a foreign nation. But as regards Spain herself, it is exclusively the affair of her army, in the first place, fully to suppress the insurrection in Cuba, and the affair of the future Cortes to durably regulate the relations between the colonies and the mother country. Still less than any one of the former Governments would that of King Alphonso permit laws to be dictated to it from abroad in an affair so eminently national.

The European Powers are at the present time accurately informed what standpoint the Spanish Government occupies in opposition to the arguments of the American Government. It was easy for the representatives of Spain abroad to reply to the pretense of the Washington Government that the Spanish war force would find it impossible to subdue the insurgents in Cuba, by producing the declarations in Grant's message that these insurgents were without everything which could entitle them to recognition as belligerents. When the insurgents to-day, after six years' efforts, were unable to occupy any other territory other than forests without roads, and unfruitful and unhealthy swamps, and not a single locality having more than 200 inhabitants, thus it becomes manifest—and herein the Spanish diplomacy accredited to the foreign Powers successfully weakens the chief argument of the Government at Washington—why, according to the statistical proofs, could both the State revenue of Spain from Cuba, as well as the commerce of America with the Island, constantly and very largely increase in spite of the insurrection? On the other hand, Spain raises the simple question why just now as order is being firmly restored in the mother country, and the prospect of an early end of the Carlist war presents itself, and thereby the possibility is apparent of concentrating all her forces for suppressing the Cuban insurrection—why now the Washington Government preaches to the world that the insurrection in Cuba must come to an end, and why this was not then done when the revolution in Andalusia, the Canton insurrection in Carthage, and the civil war in the north, seemed really to deprive the Madrid Government of the possibility of terminating the contest with Cuba.

Moreover, the representatives of Spain abroad successfully, and in accordance with the instructions of their Government, called attention to the fact that in this affair not only a question of American but one of decidedly European interest was affected. Persons may estimate as they will the argument that Spain represents in Cuba European interests and culture; it could not be a matter of indifference to the European powers if the attack of America against Spain should bring a moral and material assistance to the Carlists and if the Spanish republicans in the undoubted renewal of their agitation should render it evident that the starry banner of the United States had been raised in hostility against Spain, not under the republic, but only under the monarchy. And, finally, whosoever has some historical remembrance does not require any proof that a serious complication between America and Spain (and the latter would not hesitate at the most extreme proceedings in order to retain her possession) might have for Europe incalculable consequences.

*Mr. Fish to Mr. Orth.*

[Telegram.]

WASHINGTON, *January 20, 1876.*ORTH, *Minister, Vienna:*

May give copy two sixty-six to minister if desired.

FISH, *Secretary.*

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*Mr. Orth to Mr. Fish.*

No. 92.]

LEGATION OF THE UNITED STATES,  
*Vienna, January 21, 1876.*

SIR: I hereby acknowledge the receipt of the following telegram, which I translate as follows:

May give copy two sixty-six to minister if desired.

As Count Andrassy desires a copy of said note, I shall, as thus directed, give him a copy as soon as the same can be prepared.

I have the honor, etc.,

GODLOVE S. ORTH.

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*Mr. Orth to Mr. Fish.*

No. 94.]

LEGATION OF THE UNITED STATES,  
*Vienna, January 24, 1876.*

SIR: Pursuant to your cable telegram of the 20th instant, I to-day transmitted to the Imperial and Royal minister of foreign affairs a copy of instruction No. 266 to Mr. Cushing.

Herewith inclosed is a copy of my communication to Count Andrassy accompanying such transmission.

I have the honor, etc.,

GODLOVE S. ORTH.

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[Inclosure in No. 94.]*Mr. Orth to Count Andrassy.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, begs leave to remind His Excellency the Count Andrassy, minister of the imperial house and Imperial Royal minister for foreign affairs, that on the 16th day of December, 1875, in pursuance of the instructions of the President of the United States, the undersigned had the honor to bring to the notice of the imperial and royal minister of foreign affairs, by reading to His Excellency the Baron von Hofmann, in the absence from this city of His Excellency the Count Andrassy, a copy of the instructions of the President to his envoy extraordinary and minister plenipotentiary at Madrid on the subject of the relations then and still existing between the United States and Spain growing out of the unfortunate situation of affairs in the island of Cuba.

At a subsequent interview with Baron von Hofmann on this subject he informed the undersigned of the desire of His Excellency the Count Andrassy, to be furnished with a copy of said instructions, with which desire the undersigned was not at liberty to comply, and so informed the Baron von Hofmann; but the undersigned at the same time remarked that he would communicate with his Government and advise the President of the desire of His Excellency the Count Andrassy in this respect.

The undersigned has now the honor to inform his excellency that he has had such communication with his Government, and he is instructed by the President to furnish to his excellency a copy of the said instructions, which copy the undersigned has now the honor of herewith inclosing.

In making this communication to his excellency the undersigned is instructed by the President to assure his excellency that it is the sincere and earnest desire of the President for the termination of the disastrous conflict in Cuba, by the spontaneous action of Spain, or by the agreement of the parties to said conflict. And the undersigned is further instructed to say to his excellency that, should the Government of His Imperial and Royal Majesty find it consistent with its views to urge upon Spain the importance and necessity of either terminating or abandoning this contest, which now, after a continuance of seven years, has not advanced toward a prospect of success on either side, but which is characterized by cruelties, by violations of the rules of civilized modern warfare, by pillage, desolation, and wanton incendiarism, threatening the industry, capacity, and production of an extended and fertile country, the President believes that the friendly expression of such views to Spain by the Government of His Imperial and Royal Majesty might lead that Government to a dispassionate consideration of the hopelessness of the contest, and tend to the earlier restoration of peace and happiness to Cuba, if not to the preservation of the peace of the world.

The undersigned need hardly add that such a course on the part of the Government of His Imperial and Royal Majesty would be exceedingly gratifying to the United States, and, in the opinion of the President, conducive to the interests of every commercial nation and of humanity itself.

The undersigned is further instructed distinctly to assure His Excellency the Count Andrassy that the Government of the United States is not actuated by any ulterior or selfish motives in this matter, nor has it any desire to take advantage of the distracted condition of Spain, but rather to induce her of her own accord to seek an adjustment of the contest now existing between her and her colony.

The undersigned embraces this opportunity, etc.,

GODLOVE S. ORTH.

LEGATION OF THE UNITED STATES,  
Vienna, January 24, 1876.

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*Mr. Orth to Mr. Fish.*

No. 95.]

LEGATION OF THE UNITED STATES,  
Vienna, January 29, 1876.

SIR: I was somewhat surprised this morning while reading the London Telegraph of the 27th instant to find in it what purported to be a telegram from this city of date January 26, and which I herewith inclose.

The matter is probably not of sufficient importance to bring to the attention of the Imperial and Royal ministry for foreign affairs, yet I deem it proper to apprise you of it and to add the remark that it seems somewhat strange that the Imperial and Royal ministry for foreign affairs should not be more reticent with reference to interviews between it and foreign Governments, for I feel sure that it is only through someone connected with the foreign office here that these matters are thus paraded in the public press.

I have the honor, etc.,

GODLOVE S. ORTH.

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[Inclosure to No. 95.—Extract from the London Telegraph of January 27, 1876.]

UNITED STATES AND SPAIN.

[Reuter's telegram.]

VIENNA, January 26 (evening).

The United States minister here having been confidentially asked by the Austrian foreign office to leave with it a copy of Mr. Fish's note concerning Cuba, in order that an answer might eventually be returned, he telegraphed to Washington for instructions and received a reply declining the request. It is understood that another note may possibly be sent at a future period.

*Mr. Fish to Mr. Orth.*

No. 49.]

DEPARTMENT OF STATE,  
*Washington, February 9, 1876.*

SIR: I have to acknowledge the receipt of your No. 90, under date of January 13, and which reached the Department on the 4th instant.

You inclose a copy of a telegram which appeared in the London Daily Telegraph, sent from Vienna on the 4th ultimo, stating that the cabinet in Madrid had instructed its representatives abroad to make certain explanations to the Governments to which they were accredited, and that the Austrian Government would not reply to the American dispatch, which had only been read to the minister for foreign affairs.

You state that on January 12 you repaired to the ministry of foreign affairs and commenced the interview by stating that for certain sufficient reasons the President would be pleased to receive an answer, as promised, from the Austrian Government, and that later in the interview you called Baron Hofmann's attention to the telegram referred to, stating that no answer would be given.

While you were instructed to promptly advise the Department of the result of your interview with the minister for foreign affairs, it was not intended that a pressure should be brought upon the minister to furnish you with a reply, especially when it was intimated that the Austrian Government was not disposed to make representations at Madrid.

It may also be said that the language employed by you might have led the minister to suppose that some new instruction addressed to you, or some exigency made it advisable to obtain an answer.

You were instructed to read 266, and to make certain verbal representations in so doing, and it was not contemplated that the reply to be given to such a communication would be in writing.

It was quite competent, however, for the Austrian Government to reply in that form if deemed more advisable—but it does not seem advantageous at the present time and in view of the present situation of the question to press for any formal reply.

I am, etc.,

HAMILTON FISH.

*Mr. Fish to Mr. Orth.*

[Telegram.]

WASHINGTON, *February 14, 1876.*ORTH, *Minister, Vienna:*

Your ninety-four received. Your instructions did not contemplate a written communication from you to minister, nor to press for a formal answer.

FISH, *Secretary.**Mr. Fish to Mr. Orth.*

No. 50.]

DEPARTMENT OF STATE,  
*Washington, February 14, 1876.*

SIR: Referring to your dispatches relating to instruction No. 266, addressed to Mr. Cushing, and to your proceedings pursuant to instruction No. 38, the Department is now in receipt of your No. 94, with

which you forward a copy of a note addressed to the foreign office under date of January 24, inclosing a copy of No. 266 to the minister for foreign affairs.

By instruction No. 38 you were directed to make certain oral statements in person to the minister for foreign affairs on reading 266, and it is now perceived that in transmitting a copy thereof you have formally repeated in the note the oral statement which you had once made to Baron Hofmann.

On receipt of your telegram that a copy of 266 was desired by the foreign office, a reply was sent to the effect that as it had not been given to other Governments, it was preferred not to give a copy at that time, particularly so, as very shortly after your interview of December 16 the purport thereof was telegraphed from Vienna and given to the public.

Congress having called upon the President for the correspondence, and in response thereto No. 266 being about to be communicated, you were then authorized to give a copy to Count Andrassy, if still desired.

It was expected that you would await a renewal of the expression by the foreign office for a copy before giving it, and it was not anticipated that in delivering such copy any departure should be made from the personal and oral mode of communication prescribed in the original instruction.

I have already suggested, under date of February 9 and in my telegram of this date, that it is not deemed advisable to ask from the foreign office a formal reply.

I am, etc.,

HAMILTON FISH.

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*Mr. Orth to Mr. Fish.*

No. 99.]

LEGATION OF THE UNITED STATES,  
Vienna, February 16, 1876.

SIR: I am in receipt of telegram. I shall, of course, not "press for formal answer."

I have the honor, etc.,

GODLOVE S. ORTH.

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*Mr. Fish to Mr. Orth.*

No. 54.]

DEPARTMENT OF STATE,  
Washington, February 28, 1876.

SIR: I have to acknowledge the receipt of your No. 95 under date of January 29, with which you inclose a copy of a telegram which appeared in the London Telegraph of the 27th of January, to the effect that upon being asked by the Austrian foreign office for a copy of dispatch 266 in reference to Cuba, you had requested instructions, and a reply had been received declining the request.

You state your surprise that such matters should be communicated by the foreign office at Vienna, from whence you are assured the information has come. I have to say in reply that nearly every step in this matter taken by you at Vienna has in like manner appeared in the public prints in the form of telegrams, appearing to come from Vienna, to the London papers or to those in this country.

At your first interview the facts with particularity immediately appeared in the papers, and I am quite satisfied that a telegram

appeared, at the time a copy of 266 was asked for, stating that you had asked for instructions.

This last telegram seems to complete the information.

It would be quite proper to call the attention of the foreign office, at some convenient season, to the surprise which such publications have occasioned in this country.

In my telegram of the 14th of January last, declining to give a copy of 266 at that time, and in the statement that the facts concerning the reading of that dispatch had been given to the public, I referred to the telegram concerning your first interview.

I am, etc.,

HAMILTON FISH.

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*Mr. Orth to Mr. Fish.*

No. 104.]

LEGATION OF THE UNITED STATES,  
*Vienna, February 29, 1876.*

SIR: While at the office of the imperial and royal ministry of foreign affairs on yesterday, Count Andrassy remarked to me that he had read with much interest the copy of the Spanish note (referring to No. 266) which I had furnished in pursuance to instructions and inquired whether it was expected that he should, on behalf of his Government, present any reply.

I told him the object of presenting the note to the Government of His Imperial and Royal Majesty was merely for information, and that my Government did not expect any reply thereto.

I have the honor, etc.,

GODLOVE S. ORTH.

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FRANCE.

*Mr. Fish to Mr. Washburne.<sup>1</sup>*

No. 756.]

DEPARTMENT OF STATE,  
*Washington, November 15, 1875.*

SIR: Herewith you will receive a copy of an instruction, No. 266, dated the 5th day of November instant, addressed to Mr. Cushing, the minister of the United States at Madrid, which sets forth at length the considerations which have led this Government to the adoption of the views therein expressed concerning the condition of affairs in Cuba. It is believed that other powers, as well for the interests of their own subjects or citizens as for the sake of humanity at large, will recognize the justice thereof, and the necessity of the course which the President feels it his duty to pursue.

You will read this instruction 266, or state orally the substance thereof, to the minister of foreign affairs confidentially (but will not give a copy thereof), and will assure him of the sincere and earnest desire of the President for a termination of the disastrous conflict in Cuba by the spontaneous action of Spain, or by the agreement of the parties thereto.

You will further state that the President is of opinion that should the Government to which you are accredited find it consistent with its views to urge upon Spain the importance and necessity of either

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<sup>1</sup> Same to legations of the United States at Berlin, St. Petersburg, Vienna, Rome, and Lisbon.

terminating or abandoning this contest, which now, after a continuance of seven years, has not advanced toward a prospect of success on either side, but which is characterized by cruelties, by violations of the rules of civilized modern warfare, by pillage, desolation, and wanton incendiarism, threatening the industry, capacity, and production of an extended and fertile country, the friendly expression of such views to Spain might lead that Government to a dispassionate consideration of the hopelessness of the contest, and tend to the earlier restoration of peace and prosperity to Cuba, if not to the preservation of the peace of the world.

Such a course on the part of the Government to which you are accredited would be exceedingly satisfactory to the United States, and in the opinion of the President conducive to the interests of every commercial nation, and of humanity itself.

You will at the same time distinctly state that this Government is actuated by no ulterior or selfish motives, and has no desire to take advantage of the distracted condition of Spain, but rather to induce her to spontaneously seek an adjustment of this contest.

I need not impress upon you the confidential nature of these instructions, nor the delicate duty which is imposed upon you.

Similar instructions have been issued to the representatives of the United States accredited to the principal European powers.

You will seek an early interview with the minister of foreign affairs, and promptly advise me by telegraph, in cipher, of the result thereof.

I am, etc.,

HAMILTON FISH.

P. S.—Since the above instruction was prepared, a telegram<sup>1</sup> has been received from Mr. Cushing, which renders it advisable that no steps be taken by you to communicate instructions No. 266, as directed, until further instructions be sent you by telegraph.

H. F.

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*Mr. Fish to Mr. Washburne.*<sup>2</sup>

[Telegram.]

WASHINGTON, December 6, 1875.

WASHBURN, *Minister, Paris:*

Proceed as instructed in No. 756; message will discountenance recognition of belligerence or independence; will refer to continuance of struggle, and intimate that mediation or intervention by other powers will be an ultimate necessity unless adjustment reached; will express willingness to mediate; will be friendly and conciliatory in tone.

FISH, *Secretary.*

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<sup>1</sup> Mr. Cushing's telegram, dated November 16, here referred to, brought satisfactory assurances from the Spanish Government upon the points in dispute. It is printed in House Ex. Doc. No. 90, Forty-fourth Congress, first session.

<sup>2</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session. Same to legation of the United States at Berlin, and, under date of December 13, to the legations at St. Petersburg, Vienna, and Rome.



*Mr. Hitt to Mr. Fish.*

[Telegram.]

PARIS, December 9, 1875.

Duke Decazes wishes to consult with English Government before answering. Thinks Madrid Government so weak it dares not settle Cuban question.

HITT, *Chargé.**Mr. Hitt to Mr. Fish.*

No. 1263.]

LEGATION OF THE UNITED STATES,

Paris, December 10, 1875.

SIR: On the morning of Tuesday the 7th instant I had the honor to receive your cipher telegram, addressed to Mr. Washburne, of date the 6th, to "proceed as directed in dispatch No. 756."

Immediately after deciphering the telegram, I went to the foreign office, but the Duke Decazes had gone to Versailles, being engaged in the debate on the Egyptian judiciary reform bill. It was expected that the debate would close that day, and that I could have an interview the next. The debate continued, however, and the Duke having to make his speech the next day closing the debate, which had excited a good deal of public interest, he desired to devote his whole attention to that subject. Wednesday he was therefore at Versailles, but sent me word that he would hurry back after the session and see me at half past 5 Thursday, when I accordingly had an interview with him. This will explain the delay.

In this interview I stated orally the substance of your dispatch to Mr. Cushing accompanying your No. 756: the long-continued and unsatisfactory correspondence between our Government and that of Spain in relation to the questions growing out of the strife in Cuba; the embargo and confiscation of estates in Cuba belonging to our citizens and the failure to comply with the stipulations of the treaty of 1795; the delays for now over six years to remedy this admitted injustice, the tardy orders of the home Government being disregarded by the colonial authorities; the trial by courts-martial of American citizens and their summary punishment, the equally unsatisfactory result, in fact, of correspondence with successive ministries; the failure to try General Burriel, who had received promotion instead of punishment; the nature of the war in Cuba, involving so much injury to our interests and entailing a constant strain upon our Government in maintaining all its obligations, of which it has been scrupulously careful; the utter hopelessness of the war on the part of Spain, the friendly feeling of our Government, and its earnest and unselfish desire to see an end to this ruinous struggle.

At this point I stated the substance of that part of the President's message which relates to this subject, as given by the cable, and then communicated to him the opinion of the President that if France, in her situation specially favorable for such an office, should see fit to urge in a friendly spirit upon Spain the necessity of an immediate solution of this seven years' trouble, by either abandoning the useless struggle or in some way adjusting the differences with the Cubans, it might be received in a dispassionate spirit and lead to results which would obviate the increasing danger of further complications and tend to the preservation of peace; and that our Government would view

such an act on the part of our ancient ally with great satisfaction. This is, briefly, what I stated with more detail and precision.

The Duke Decazes replied, that while cordially desiring the end of the strife in Cuba, there were many embarrassments surrounding the proposition, and reason to apprehend that such a suggestion to Spain would be fruitless. He had been informed that a similar presentation of the case had been made to Lord Derby, and asked me if it had not been made in the same terms.

I answered that I did not know that the proposition had been made in the same terms precisely, but I presumed so.

The Duke proceeded: "Lord Derby, I am advised, asked for time before giving a categorical answer. I wish to have further communication with the London cabinet, that there may be an understanding between us on the subject; and therefore I will defer any formal answer for the present. The question is one of a very delicate nature, and whatever we might wish to see done at Madrid, or that Government might be disposed to do, the great obstacle to any result lies in the weakness (impuissance) of the Government of the young Alphonso. That weakness as regards this particular question arises from a general condition (ensemble) of affairs in Spain. Many circumstances together have produced such a situation that, although the Spanish Government might wish to take such steps as were proposed—tending to self-government and emancipation in Cuba—it dare not do it. It would fall if it attempted a policy which could be used against it with the Spanish people. The northern provinces, disturbed by the Carlists, and Cuba with its insurrection, are both held with difficulty. The young King's Government must move with exceeding care. Besides, there is doubt of the power of the home Government to enforce its will. Have you not just told me of one of its decrees in regard to embargoed estates that was disregarded?"

I replied: "That is true; but the Spanish Government is the only power responsible for what is done in Cuba. They do not admit that war exists. The question, however, is not merely what will suit the special interests of any one, but it concerns the preservation of the general peace. The United States have endured the condition of things I have described for seven years. Would France have been more patient? Is it not well for you, situated so favorably, to try in the interest of mankind to end a state of things, so threatening as it might become in the event of another *Virginus* affair, if you can do it by a friendly word?"

The Duke resumed: "I appreciate the situation. I listened to your statement with the deepest attention; but the question is grave and surrounded with difficulties. The young King dare not commence his reign with a failure (defaillance). We have suffered from the strife in Cuba in our interests, though less than you, and we wish it were ended. But if the Spanish Government allowed the Carlists a pretext to assume to be the champions of the preservation of the colony to Spain, it would increase its embarrassments. There is the recent letter of Don Carlos, proposing to subdue the rebellion in Cuba; the Spanish people (ces pauvres diables espagnols) take it for serious, and do not see the ridiculous side of it."

The Duke asked if I was at liberty to give him a copy of your dispatch. I informed him that my instructions were to read or state orally the contents to him. He said he would reduce our conversation to writing from memory, and send me a copy by his chef du cabinet for correction. He asked if there was not news of recent accommodation having been

effected. I told him that the newspaper dispatch referred to from Madrid only professed to give the substance of a dispatch from the Spanish minister, assenting to our claim for a trial before civil tribunals, and defenders for Americans arrested in Cuba, in conformity with the treaty of 1795; but that twice before the Spanish Government had, in particular cases, promised to carry out that treaty and redress such wrongs; that it only concerned one of the several questions pending, and not the general question.

He resumed, describing the situation of Spanish politics, but I have given above all that fell in direct response or reference to the proposition I had presented.

I have, etc.,

R. R. HITT.

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*Mr. Fish to Mr. Hitt.*

No. 775.]

DEPARTMENT OF STATE,  
Washington, January 7, 1876.

SIR: Your No. 1263, giving the statement of your interview with the Duke Decazes, pursuant to the instructions contained in my No. 756, has been received.

Your statements in bringing to the notice of the minister of foreign affairs No. 266 to Mr. Cushing were judicious and apposite, and your proceedings as reported are approved.

No definite conclusion seems to have been reached by the minister of foreign affairs, as you report that information having reached the French Government in reference to the communication made to Lord Derby on the same question, the Duke Decazes stated that he desired an opportunity to consult with the English Government as to the course which should be pursued.

It is not known what communication, if any, has taken place between Duke Decazes and Lord Derby. General Schenck, however, stated in a telegram under date of December 2 that Lord Derby had informed him that while his Government was not then prepared to give a categorical answer as to what steps would be taken, at the same time he was willing to say that his Government was ready to cooperate with the United States in such way as might bring about a settlement of the troubles in Cuba, without bringing pressure to bear upon Spain or putting forward such proposals as would certainly be rejected.

I deem it proper to inform you as to the condition of the question, and you will forward to the Department any information which may be obtained in reference thereto, and in case the minister of foreign affairs has communicated to you no conclusion on the part of his Government, you will take a suitable occasion again to delicately call his attention to the matter.

I am, etc.,

HAMILTON FISH.

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*Mr. Hitt to Mr. Fish.*

No. 1279.]

LEGATION OF THE UNITED STATES,  
Paris, January 23, 1876.

SIR: Last evening I saw the Duke Decazes a second time in regard to the Cuban question. I had received your dispatch No. 775 in the morning, and during the course of the day took occasion to ask his

chef du cabinet when I might see the minister. The answer came at once that he would see me at 5 o'clock.

In this interview I recalled his attention to the subject of our conversation a month ago, and said that I did not come to ask for an answer to what I had then presented nor to urge it upon him again; but he had remarked that he desired to have an understanding with Lord Derby before giving a full response; I had been informed that Lord Derby, while not answering categorically, had signified the readiness of the English Government to cooperate with the United States to bring about a settlement of the Cuban troubles without bringing pressure to bear upon Spain, or making proposals certain to be rejected. I had therefore called, remembering the friendly spirit in which he had treated the subject before, to hear any suggestions or information he might choose to communicate.

The Duke Decazes replied that since our former conversation he had given the question very serious attention. He had made note of the substance of my statement at that time, had ascertained that the statement presented to Lord Derby was substantially the same; had made similar inquiry at Vienna; also at St. Petersburg, though he had not as yet received an answer from the Russian minister. He had ascertained that Lord Derby was disposed to agree to any step toward a solution, provided it could be seen that it would produce a practical result, but Lord Derby feared that in the present position of affairs in Spain, such proposals as were suggested by the United States, if addressed to Spain, would be useless. Lord Lyons had recently called upon him (Decazes) on this subject, and there was an exchange of views in regard to the condition of Spain and this question of Cuba and the way in which it was regarded by the English Government.

"I told him," said the Duke, "that I thought we might say some word to Spain which would lead to something, if it was done with due regard to the susceptibilities of that Government, if it was managed properly and with care and preceded by a manifestation of the friendly spirit of those offering it."

"It is true," he continued, "the opportunity for such a suggestion is not striking just now. They are occupied over there in Spain with the elections and with the Carlist war. They have been making a greater effort than before to end that Carlist war. They are all in uncertainty about themselves, and are thinking of the elections and their results. How can one ask them to attempt the settlement of such a grave and difficult question as their relations with Cuba, and that long contest there, when they are uncertain whether they will be the ministers twenty-five days from this time? They are looking ahead with anxiety, and do not care to broach such a business now. Still, I think it might be well to make some representation in regard to this Cuban trouble in the way I have mentioned, say some word which would not be unacceptable, and would accord with the wishes of your Government; and I wish to act in an understanding with Lord Derby. It is now two weeks since I offered the suggestion which I have just recited to you, and I have not yet received a response; but at that I am not surprised, for Lord Derby has been out of town and only returned the other day for a council, and probably has been so occupied otherwise as would account for the delay."

I thanked him for the cordiality and frankness with which he discussed the question, which was one of profound interest to the United States and just now engaged the attention of Congress, having been, as he was aware, the subject of a part of the President's message. The

English Government had had occasion to accord with our own repeatedly in the discussions growing out of affairs in Cuba, and the Government of France had so long been friendly to the United States that we had no hesitation in approaching it in regard to a case which we deemed so manifestly just.

He remarked: "Be assured that we have not neglected this matter. Although a month has passed, the considerations you offered have received much attention, and we recognize the character of the question. In all this, however, you know you have a special interest, and you look at the struggle in Cuba in view of the facts that urgently affect you. Our interests are also touched, but not so largely as yours, by that insurrection. European Governments do not feel so pressing the need of instant action. We must consider all the circumstances, the condition of the Spanish Government, and the probability of a result if we said anything just now. I wish your Government to know that we are sincerely interested in the matter you have presented, and anxious to be able to give you such an answer as will be pleasing to your Government."

I have, etc.,

R. R. HITT.

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*Mr. Washburne to Mr. Fish.*

No. 1288.]

LEGATION OF THE UNITED STATES,

*Paris, February 15, 1876.*

SIR: Learning that the Duke Decazes had returned to Paris, I took occasion on Friday last to make an official call upon him, in order to pay my respects upon my return to Paris and to speak to him in relation to several pending questions.

I first called his attention (and this for the third time) to the subject of your circular letter in regard to diplomatic intercourse in China.

He excused the long delay in answering, and promised to send a note on the subject in a few days.

I then had a conversation with him touching the proposition which I had made for a telegraphic treaty, and particularly in regard to a late communication I had received from him on the subject. I shall probably be able to make a separate dispatch in regard to this matter before a long time.

But the important part of the interview was in relation to Spanish affairs and to your circular, which in my absence Mr. Hitt had submitted to him. I asked him how far he had considered the subject, and what I could write to my Government in reply. With great frankness he answered, in substance, as follows:

I have thought of it, and am still thinking of it. This Cuban question touches us also very closely—it affects our interests as it does yours. Our commerce with the island is now paralyzed, and the continuance of the state of things which exists there has been to us a source of many kinds of annoyance. We suffer from that state of things like you, and we would desire very much to see an end put to it. Unfortunately, it is difficult to suggest anything practicable in this respect: What could be said to Spain at this moment which would be of any use to you and to her? She is actually under so many embarrassments, and she has so many things that are the subjects naturally of her gravest attention that we would fear to hurt her susceptibilities unnecessarily and render the situation more embarrassing to both Governments than it is, should we just now approach her directly on this question. I have, however, said a word in the matter—a discreet word. I have communicated to the Marquis de Molins the analysis of the conversation I had with Mr. Hitt. I made him that communication confidentially, and I told him:

"I don't ask of you any answer, but think of this. There is here a grave situation which calls for your attention. There is something to do; reflect upon it. I will have probably to speak again of this to you, and if you yourself bring the subject up, so much the better."

Winding up his statement, the Duke resumed:

In short, I beg you to bear two things in mind: Firstly, that we are sincerely desirous to assist you and Spain in this affair; secondly, that the situation of Cuba affects our own interests, and that we would be quite willing to cooperate with you in bringing it to an end if we thought the opportunity was favorable for that. Il faut attendre.

The Duke Decazes is very much occupied at present in his canvass, being a candidate for deputy in the new assembly. He is running in the eighth arrondissement of Paris, in which this legation is situated; also in the department of Aveyron, in the southern part of France. He did not seem to be entirely confident of an election in either district. You will have the result, however, by Monday next, by telegraph.

I have, etc.,

E. B. WASHBURNE.

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*Mr. Fish to Mr. Washburne.*

No. 783.]

DEPARTMENT OF STATE,  
Washington, February 17, 1876.

SIR: I have received and read with attention Mr. Hitt's dispatch, No. 1279, under date of January 23 last, in reference to his interview with the Duke Decazes concerning the substance of instruction No. 266, addressed to Mr. Cushing.

The dispatch is a clear and concise statement, and his proceedings, as detailed therein, are approved.

I am, etc.,

HAMILTON FISH.

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GERMANY.

*Mr. Fish to Mr. Davis.*

No. 148 of November 15, 1875. (Same as No. 756 of same date to Mr. Washburne, p. 98.) Telegram of December 6, 1875. (Same as that of same date to Mr. Washburne, p. 99.)

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*Mr. Nicholas Fish, Chargé, to Mr. Fish.*

[Telegram.]

BERLIN, December 7, 1875.

Telegram of 6th received. Inclosure of 148 read to Mr. von Bülow. He thanked for information. Said he would lay it at an early day before Emperor and Prince Bismarck. That in the interest of peace and commerce Germany desired question settled, but he could only take the matter ad referendum.

FISH, Chargé.

*Mr. Nicholas Fish, Chargé, to Mr. Fish.*

No. 220.]

LEGATION OF THE UNITED STATES,  
*Berlin, December 8, 1875.*

SIR: I had the honor to receive your telegraphic instruction of December 6 at 10.30 a. m. yesterday, directing me to proceed as instructed in No. 148.

As soon as the telegram could be deciphered, I called at the foreign office and explained to Mr. von Bülow the object of my visit, and in order that he might more perfectly understand the views of the President, I took with me instruction No. 148, and refreshed my memory therefrom.

I was careful to inform him that it was believed that other powers would recognize, for the interests of their own citizens as well as for the sake of humanity, the necessity of the course which the President feels it his duty to pursue. I stated to him the opinion of the President that should this Government find it consistent with its views to urge upon Spain the necessity and importance of either terminating or abandoning the contest in Cuba, the friendly expression of such views to Spain might lead to the earlier restoration of peace and prosperity to Cuba, if not to the preservation of the peace of the world.

I told him that such a course on the part of Germany would be exceedingly satisfactory to the United States, and, in the opinion of the President, conducive to the interests of every commercial nation, and of humanity.

I distinctly stated that the Government of the United States is actuated by no ulterior or selfish motives, and has no desire to take advantage of the distracted condition of Spain, but rather to induce her to spontaneously seek an adjustment of this contest.

In order to impress this upon him, I read from instruction 148 the paragraph relating thereto.

I then read to him confidentially your instruction to Mr. Cushing, No. 266.

As I began he checked me to inquire what the date of it was, and then listened attentively to the whole reading.

At its close he thanked me for the information and said that he would take an early occasion to lay the matter before the Emperor and Prince Bismarck, and that he could only say that in the interest of peace and commerce Germany desired the question settled, but that he could only take the matter "ad referendum."

He also told me that they had some questions of unjust treatment of German subjects in Cuba, to which attention had been called in the Reichstag, and that while their treaty with Spain was ambiguous, they would seek to protect the rights of their citizens there.

With this my interview closed, and on leaving the room I found the Spanish minister waiting in the antechamber; he had been announced while I was reading the first portion of your instruction to Mr. Cushing.

I inclose an account cut from the Post of the 25th November (with translation of the same) of the interpellation in the Reichstag, to which Mr. von Bülow referred.

I have the honor to be, sir, etc.,

NICHOLAS FISH.

[Inclosure in No. 220.—Translation. Extract from German Parliamentary proceedings, the Post, November 25, 1875.]

The title "Consulate at Havana" being called, Deputy Mosle expresses the wish that the prayers for protection against contributions addressed by the German merchants resident there to the foreign office might be responded to.

Federal Commissioner von Phillipsborn declared that the possibility of intervention might be judged of differently according to different interpretations of the treaty; the foreign office was, however, in connection with the representatives of other Governments, occupying itself with the question.

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*Mr. Nicholas Fish, Chargé, to Mr. Fish.*

No. 222.]

LEGATION OF THE UNITED STATES,  
*Berlin, December 14, 1875.*

SIR: Since my No. 220, I have called twice at the foreign office to see if Mr. von Bilow had any information to give me in regard to the restoration of peace in Cuba. It was not until to-day that I succeeded in finding him.

He stated to me that he had communicated the substance of your instruction 266 to Mr. Cushing to Prince Bismarck, as well as the length of the instruction would enable him to do so, and that the Prince had laid it before the Emperor.

I thanked him for the information, and said that I would communicate it to you, and that I felt sure that the President would be pleased to know of the manner in which his views had been received.

I have, etc.,

NICHOLAS FISH.

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*Mr. Nicholas Fish to Mr. Fish.*

No. 224.]

LEGATION OF THE UNITED STATES,  
*Berlin, December 17, 1875.*

SIR: Referring to my Nos. 220 and 222, I have the honor to inclose herewith translation of a telegram I sent you at 2 p. m. on the 15th instant.

I have the honor to acknowledge the receipt of your telegram of the 16th instant, which was received at 2 a. m. to-day.

I inclose a copy and translation of the account given in the Neue Preussische Zeitung of the interpellation in the Reichstag, which appears to be fuller than the one given in the Post, though not essentially different.

The interpellation occurred in the session of November 23.

I have been unable to find any newspaper comments upon the subject of the interpellation, and it does not appear to have attracted much attention at the time.

I have the honor, etc.,

NICHOLAS FISH.

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*Mr. Fish, Chargé, to Mr. Fish.*

[Inclosure 1 to No. 224.—Telegram of December 15, 1875—2 p. m.]

Two sixty-six to Cushing in substance laid before Emperor by Bismarck. Germany desires peace, and will continue to urge necessity of tranquillity with view of adjustment of German grievances.

FISH, Chargé.



[Inclosure 3 to No. 224.—Interpellation in regard to the consulate at Havana in German Parliament November 22, 1876, from the Neue Preussische Zeitung.]

In regard to title 45 (consulate at Havana) Deputy Mosle remarks: The German merchants in Havana, as well as in every part of Cuba which is in the possession of the Spanish Government, are subjected to the war contributions, which the Spanish Government has imposed in consequence of the revolution, in the most exorbitant and insupportable manner. Now, it is clear that in times such as exist in Cuba, in which the revolution demands great sacrifices on the part of the Government, those also should contribute who have long enjoyed the advantages of peace. The German merchants in Havana, however, believe that these demands have been excessive and that they are entitled to exemption from these war contributions under the treaty with Spain, and for the reason that Cuba is no longer a colony but has become a Spanish province. They have in consequence, if I am not in error, addressed themselves to the imperial chancellor for relief from this evil. I desire on my part to ask the representatives of the Government if steps have been taken to relieve these complaints of the merchants. I should be much obliged if information could be given me on this subject.

The Federal Plenipotentiary von Philipsborn: The complaints of Germans concerning these contributions have long since come to the knowledge of the foreign office. The latter at once made a close investigation of the subject, with the result that there arose for consideration a number of treaty provisions which are otherwise interpreted by the other side than by us. We could take no action alone, but only in conjunction with other friendly Governments concerned in like manner. To this is added the necessary consideration not to cause more difficulties to the Spanish Government at this moment than the position of things absolutely requires. The foreign office is, however, continually endeavoring to further the matter in the interests of the Germans at Havana.

Deputy Mosle: I thank the representative of the Federal Government for the information, and shall hope that it may succeed in mastering these difficulties at a very early day.

Deputy Kapp inquired how it happened that so important a consulate as that at Havana should have been unoccupied for half a year.

Federal Plenipotentiary von Philipsborn: As is known, the last consul at Havana was lost on the steamship *Schiller*, and it has not yet been possible to definitely fill this consulate. The representation of the consulate for the time being is, however, in good hands, and the interests of the Germans at Havana are now preserved and protected in every direction.

The position is approved.

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*Mr. Fish to Mr. Nicholas Fish.*

No. 165.]

DEPARTMENT OF STATE,  
Washington, January 7, 1876.

SIR: I have to acknowledge the receipt of your 220 and 222, dated, respectively, December 8 and December 14, ultimo.

Your proceedings in communicating to Mr. von Bülow instruction 266, addressed to Mr. Cushing, as reported in your 220, and in your further interview, as reported in your 222, are approved.

No information has reached the Department of any representations having been made by the German representative at Madrid in the sense indicated by Mr. von Bülow, and you will report to the Department any information which you may be able to obtain on that subject, and with reference to the exact instructions which have been issued, and as to any steps which have been taken at Berlin, bearing on the question.

You will take an early occasion to express to the minister of foreign affairs the satisfaction of the President that the views expressed in instruction 266 are in some measure at least concurred in by the Government of Germany, and that, appreciating the purpose in view, that Government was ready to instruct its representative at Madrid, as referred to by Mr. von Bülow.

I am, sir, etc.,

HAMILTON FISH.

*Mr. Nicholas Fish to Mr. Fish.*

No. 242.]

LEGATION OF THE UNITED STATES,  
*Berlin, January 10, 1876.*

SIR: In the interview which I had with Mr. von Bülow to-day, and which I have reported to you in my No. 241,<sup>1</sup> I asked him if he had anything to communicate to me, in hope that he would state more definitely what this Government intends doing in regard to Spain. He said, without referring to the subject by name, that he had nothing new to communicate.

While paying a visit at the house of the Spanish minister on Friday, he took occasion to turn the conversation to the affairs of his own country, and stated that all their efforts were being urged and strained for the purpose of suppressing the Carlists; that they would very shortly have 380,000 men in the field, and that their army would move to the north as soon as the winter would permit; he said that he felt sure of success, and that then it was the desire of his Government to turn all its energies to the restoration of peace in Cuba; and that then it desired to perform all its obligations to the United States in a spirit of justice, equity, and friendship.

I answered that I knew very little of the condition of affairs in Spain, but that in the United States, where the duration of the insurrection in Cuba gave rise to many causes of vexation, we would be greatly pleased at seeing peace restored in Cuba, but that officially I could not say anything on the subject.

I report the conversation, as the minister, Mr. Merry y Colom, seems to be on intimate terms with the Spanish minister of foreign affairs, and purported to express his views.

I have, etc.,

NICHOLAS FISH.

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*Mr. Davis to Mr. Fish.*

No. 254.]

LEGATION OF THE UNITED STATES,  
*Berlin, January 26, 1876.*

SIR: At the interview with Mr. von Bülow to-day, reported in my No. 255,<sup>1</sup> we also spoke of Cuba. I asked him if he could say to me what answer had been made to the German representation about the duration of the war. He replied that the Spanish Government had assured Count Hatzfeldt that the insurrection would be shortly suppressed—as soon as the Carlists should be put down—and that as soon as the rebellion was crushed liberal reforms would be given to Cuba. I told him that I had frequently before heard of such promises, and I asked him whether it was proposed to withhold all advances to the insurgents until the rebellion should be crushed. He said he believed it was. I said that I was very sorry to hear it, for judging from the past there seemed to be little probability of the speedy suppression of the rebellion. He said that the Spanish Government represented that the insurrection was confined to insignificant numbers of negroes and mulattoes; that no or few Cuban white persons were engaged in it, and that none of the white population of the island sympathized with it.

I replied that I had no instructions on the subject, and that in what I was about to say I spoke my individual opinion and in no sense the

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<sup>1</sup> Not printed.

views of my Government. Speaking thus individually, I would say that I believed such representations to be incorrect. I believed almost the whole creole population of the island was dissatisfied with the violent and arbitrary measures of Spain, and that if the Spanish troops were withdrawn from the island, and the persons known as peninsulars were left alone to deal with the insurrection, the world would soon see that the opposition to Spain was not confined to a few negroes and mulattoes. He said that the subject was full of difficulties for Germany—that their traders and merchants have large interests in Cuba which are suffering, and that they would be glad to see peace restored. I learn from other sources that this is the case, that the tobacco merchants of Bremen and Hamburg have been much injured, and that they are pressing the Government to do something in their behalf with more zeal than is agreeable to the Government.

I have, etc.,

J. O. BANCROFT DAVIS.

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GREAT BRITAIN.

*Mr. Fish to Mr. Schenck.*

No. 805.]

DEPARTMENT OF STATE,  
Washington, November 5, 1875.

SIR: Herewith you will receive a confidential copy of an instruction this day addressed to Mr. Cushing, the minister of the United States in Madrid. Such part as relates to our particular causes of complaint against the Spanish authorities concerns the United States alone. Such part of the instruction, however, as announces to Mr. Cushing the conclusions to which the President has arrived in reference to the strife now raging in Cuba, and as instructs him to communicate these conclusions to the Spanish Government, is believed to be not only of interest to the Government of Great Britain, but such as it is supposed will be regarded by that Government as just and necessary.

The instruction sets forth the considerations which have led this Government to the conclusions which have been reached, and it is hoped that the Government of Great Britain, having similar interests to protect, and regarding this strife from a similar point of view, as well for the interests of its own subjects as of humanity at large, will not be unwilling at least to support our position by its approval and influence. This being the case, the President is of opinion that it is just to the Government of Great Britain to communicate in confidence these conclusions, and to suggest that, in his opinion, the expression by Great Britain to Spain of its approval of the view of this Government, and its influence to induce a settlement, will tend to a more speedy adjustment and will more surely induce the Government of Spain, by some wise and conclusive measures, to render all thought or necessity of intervention from any quarter unnecessary.

The Government of Great Britain may possibly, of its own accord, think proper, in view of its own interests, to cooperate with the United States in this effort to arrest a cruel war of devastation. This, however, is a question to be raised by Her Majesty's Government. Humanity, its own great interests, and a regard for the preservation of the peace of the world, it is believed, will, without doubt, lead it to support the position which this Government has at length been forced to assume, and to address its representative in Madrid to that end.

Mr. Cushing has further been instructed to defer his interview with the minister of state until you shall have communicated to this Department the result of your interview with Lord Derby. You will read to Lord Derby, in confidence, the copy of the instruction to Mr. Cushing (No. 266), inclosed herewith, and will distinctly state that this Government has no selfish or ulterior objects in view, and no desire to take advantage of the difficulties which have surrounded the Spanish Government.

You will take the earliest occasion practicable to comply with this instruction, and will promptly communicate with the Department by telegraph, and in cipher, the result thereof.

I also inclose for your information and for such use as may be advisable in this interview, a copy of an instruction addressed to Mr. Cushing (No. 267), by which he is instructed to await further instructions from the Department before communicating with the minister of state, in order that the disposition of the British Government may be ascertained.

I need not impress upon you the confidential nature of all of these instructions, and the delicate duty which is imposed upon you.

You may say to Lord Derby, without reading to him the instruction last mentioned, that Mr. Cushing is instructed to withhold the presentation to the Spanish Government of the decision of the President until after it shall have been made known to Her Majesty's Government.

I inclose also for your information a copy of an instruction to Mr. Cushing (No. 265, of the date of November 5, instant) on the subject of General Burriel. \* \* \*

I am, etc.,

HAMILTON FISH.

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*Mr. Fish to Mr. Schenck.*

[Telegram.]

WASHINGTON, November 19, 1875.

SOHENOK, *Minister, London:*

Advices from Cushing suggest delay in reading inclosure to eight hundred and five. You will await further instructions.

FISH, *Secretary.*

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*Mr. Schenck to Mr. Fish.*

No. 830.]

LEGATION OF THE UNITED STATES,  
London, November 20, 1875. (Received December 6.)

SIR: I received last evening your telegram of yesterday.

Your No. 805 referred to in your telegram reached me early this morning, and would have been read to Lord Derby to-day had not your telegram delayed my action.

I have, etc.,

ROBT. C. SCHENCK.

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*Mr. Fish to Mr. Schenck.<sup>1</sup>*

[Telegram.]

WASHINGTON, November 27, 1875.

SOHENOK, *Minister, London:*

Read inclosure to eight hundred five as soon as opportunity will admit. You will explain that intervention is not contemplated as an

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<sup>1</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session, but omissions supplied.

immediate resort, but as a contingent necessity in case the contest be prosecuted and satisfactory adjustment of existing griefs be not reached, and that we sincerely desire to avoid any rupture, and are anxious to maintain peace and establish our relations with Spain on a permanent basis of friendship. I now state further, for your own information and for your guidance in your interview with minister, that message will discountenance recognition of belligerency or independence; will allude to intervention as a possible necessity, but will not advise its present adoption. Cushing is instructed to communicate to minister without waiting result of your interview, but you will communicate with him in cipher after your interview.

Take precaution that the purport of instruction or of information above be not given through minister to press or public.

FISH, *Secretary.*

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*Mr. Schenck to Mr. Fish.*

[Telegram.]

LONDON, *November 30, 1875.*

FISH, *Secretary, Washington:*

Have communicated confidentially and fully with Lord Derby and read instruction to Cushing.

He will give me views of this Government Thursday.

SCHENCK, *Minister.*

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*Mr. Schenck to Mr. Fish.*

[Telegram.]

LONDON, *December 2, 1875.*

FISH, *Secretary, Washington:*

Had interview again with Lord Derby. He received telegram yesterday from Layard saying Cushing had delivered to Spanish Government your note of 5th, but requested no definite action upon it until he could communicate with you. He expected you would receive yesterday or to-day a communication from the Spanish Government, and if that affords basis for settlement of grievances the President might modify views in message.

Lord Derby prefers in this state of circumstances not to discuss the matter until the President has had opportunity of considering last communication from Spain. He has no objection, however, to say his Government would be willing, in the interest of humanity and friendship, to cooperate in any way that promises to bring about a settlement of troubles in Cuba, but is not prepared to put any pressure on the Spanish Government or to put forward proposals which he has reason to think it would not be inclined to accede to. Thinks Spain, as a saving of her dignity, might be willing to accept some interposition, in which case Great Britain would not object to use good offices, but not if Spain stands off and declines any interference. Believes Spain will certainly reject any proposal for her giving up Cuba, and would never yield that except to force, but might be induced to agree on a basis of self-government of the island.

SCHENCK.

*Mr. Fish to Mr. Schenck.*<sup>1</sup>

[Telegram.]

WASHINGTON, *December 6, 1875.*

SCHENCK, *Minister, London:*

Communication from Spanish Government, referred to in your telegram of 2d, received to-day. It is friendly in tone and is hoped will afford basis of adjustment of our particular grievances.

It suggests no alteration in message upon general questions of the condition of Cuba and continuance of struggle.

As indicated in my telegram of 27th, message will discountenance recognition of belligerence or independence; will intimate that mediation or intervention by other powers will be an ultimate necessity unless adjustment soon reached; will express our readiness to mediate; will be friendly and conciliatory in tone.

FISH, *Secretary.*

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*Mr. Schenck to Mr. Fish.*

No. 860.]

LEGATION OF THE UNITED STATES,  
*London, January 27, 1876.* (Received February 11.)

SIR: The text of your note of the 5th November to Mr. Cushing was considered of so much interest here that it was telegraphed in full by the cable immediately after it was communicated to Congress. It was printed in the *London Times* and in one or two other metropolitan newspapers on the morning of the 24th instant, with leading articles commenting on the exposition thus authentically conveyed to the public of the actual diplomatic position and relations between the United States and Spain.

I inclose of these articles three or four which may help to give you some idea of the outside English feeling and temper always exercising no little influence on the views of Her Majesty's Government.

The *Morning Post* and the *Pall Mall Gazette* are not to be much regarded, for they represent that sort of Toryism which is given to carping at almost everything done by our Government. But the articles in the *Times*, which are much fairer, reflect, I think, a good deal of what may be taken as the general tendency of British sentiment, or I may even say of British judgment, in relation to our complaints against Spain.

I would attract your attention more particularly to what appeared in the columns of the *Times* yesterday. The writer could not forbear a flippant fling at what he characterizes as your "rhetoric," but otherwise the spirit in which that article is conceived and the views it presents so nearly shadow the disposition of this Government that I am inclined to believe it has been in some sense officially inspired. It followed the next morning after an interview I had with Lord Derby; and in the suggestion that the representatives of friendly States might, without the formality of intervention, show Spanish ministers at Madrid it would be no discredit to grant reasonable demands, I think I see something of the idea which is in the mind of his lordship.

It was my intention to give you by to-day's mail an account of what passed between Lord Derby and myself in the interview referred to, which took place on the 24th instant—two days ago. But he promised

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<sup>1</sup> Reprinted from House Ex. Doc. No. 90, Forty-fourth Congress, first session.

at parting to send me an informal memorandum of the views he expressed, so that I might report his words with perfect accuracy; and he has not yet furnished me with that memorandum.

I shall communicate the substance of the conversation by the mail of Saturday.

I have, etc.,

ROBT. O. SCHENCK.

[Inclosure 1 in No. 800.]

*Editorial, London Times of January 24, 1876.*

A long and severe criticism of Spanish policy in Cuba, contained in the American note of November last, was laid before the House of Representatives at Washington on Friday. Our readers are enabled to peruse these interesting documents in full, by the aid of the Atlantic cable, this morning, though they were only published in the United States on Saturday. Mr. Fish's dispatches to Mr. Caleb Cushing are unsparring in their condemnation of Spain, and are weighted with menaces directed against Spanish misdoing. But the indignation and reproaches of Mr. Fish have not been provoked only by the Madrid Government, and do not fall upon that Government alone. If it were merely administrative recklessness or political blundering that had been assailed the danger would be less, and some way out of the difficulty would at least be visible. But we know that the least justifiable acts of the Madrid Government, those most likely to provoke a collision with the United States, have fallen short of rather than gone beyond the arrogance of the national spirit. Spain is arraigned on as many charges as were solemnly paraded against George III in the Declaration of Independence, and each charge is pressed home with a vigor of rhetoric to which few parallels can be found in diplomatic history.

Yet, on the whole it must be allowed that Mr. Fish's able argument has a solid basis of justice, and that his conclusion is tempered with unexpected moderation. Summing up the general and special grievances relating to Cuba that the United States have alleged against Spain, Mr. Fish raises questions so serious as these: "How long this condition of things can or should be allowed to exist," and "whether a point has not been reached where longer endurance ceases to be possible." This ominous estimate of the relations between Spain and the United States is fortunately modified by the remedy to which, as it seems, the Washington Government are ready, at all events in the first instance, to resort. A copy of the American note was simultaneously transmitted to the capitals of the six European powers, and General Schenck was instructed to make a special communication to Lord Derby, suggesting a conjoint or, at least, a concurrent remonstrance and, as a "contingent necessity," a conjoint intervention for the restoration of peace in Cuba.

This remarkable correspondence can hardly fail to excite American politicians, not because there is likely to be any difference of opinion in the United States as to the iniquities of Spain, but because the policy of inviting the cooperation of the European powers is a bold departure from the political traditions of the United States. The invitation has not been addressed to Great Britain alone, but also to the Governments of France and Italy, and to the three Empires. This is manifestly an abandonment of the "Monroe doctrine" which has so long controlled American policy, and has disconnected it, at all events in theory, from the general web of political interests throughout the civilized world. To exclude from the American continent not only every advance by annexation or colonization of the monarchical powers of Europe, but every direct influence of those Governments for good or evil, was in substance the political dogma which takes its name from President Monroe. This monstrous pretension at the time when the Democratic party and the slave power were in close alliance had nearly assumed an aggressive form, and if events had not checked and rebuked it, would probably have tempted the Union into a ruinous filibustering policy.

The civil war prevented the United States from actively asserting the Monroe doctrine, though the intervention of France, England, and Spain in the affairs of Mexico excited vehement protests on the other side of the Atlantic. But Mr. Fish's invitation to the European powers, recognizing, as it does, the fact that the nations of Europe have interests to watch and defend on the American continent, mark very distinctly the progress of the people of the United States in political good sense. It is sheer folly for any country, however powerful and however confident in its destiny, to take upon itself to wall off half the world, and say to the commonwealth of nations, "You have nothing to do with all on this side." The claim is as inadmissible as that of the Holy See to partition the unknown lands of the East and the West between Spain and Portugal. The premises of the argument on which the

Monroe doctrine is based are unsound. It is not true that the nations of Europe, whom that doctrine would restrain from any interference in American affairs, have not a great deal to do directly with America. England and Spain, France and Holland, have their colonies on the mainland or in the Central Archipelago.

But, setting aside the fact that many of them are really thus American as well as European powers, they are all of them closely interested in the prosperity of the American communities through their commerce. But commerce even is only one of many bonds which are continually multiplying the relations of human societies. It is vain to think that any part of the work of the world can be isolated, as some American politicians labored to isolate the development of their continent. If it were possible to effect this, the injury to human progress would be incalculable, but a man might as well measure a square mile of the ocean and protest that it was his private property and that none of the unappropriated waves should presume to trespass upon it.

While, however, we can not refrain from expressing our satisfaction at the improvement of political thought in the United States upon this subject, and while we are sure that Mr. Fish's invitation will be courteously answered by Lord Derby and by the foreign ministers of the other European powers, it is not obvious that it is incumbent upon us to interfere in the dispute between Spain and her revolted colonists. If we choose to take the risks and responsibilities, we should, no doubt, be justified in intervening for the sake of humanity; but it is not the business of this country, nor, for that matter, any other, to play the knight-errant among nations. It is unlikely that we shall go beyond advice, if we go so far, unless we have suffered a wrong so serious as to touch the national honor or interests, and have been denied redress. We must confess it is for the American people to decide whether they have been injured and insulted so that "endurance is no longer possible."

The catalogue of offenses committed by Spain which Mr. Fish has elaborated in his dispatch is formidable in its appearance, and no doubt most of its particular charges can be proved. Some of them, as the delay in executing the stipulations of the Virginius treaty, the embargo and confiscation of property of American citizens, and their irregular and unjust treatment by Spanish military tribunals in Cuba, are apparently admitted by the Spanish Government. Others, as, for instance, the injury to American commerce, are open to question, and have, indeed, been keenly questioned in the United States. Others again, such as the cruelty and inhumanity of the war are no doubt to be deplored, but if repressed by foreign intervention must show some distinct menace of danger to the intervening power. On the whole, the grounds of complaint, so far as they are well founded, have exclusive reference to the United States and Spain, and third parties can not with any prospect of international advantage take part in the negotiations. The aggrieved and the offending powers must patch up their differences for themselves; for though Spain may be vexed at being rated and the United States may use harsh threats, the risk or loss if the disputants should try to settle the quarrel by force is too serious to be rashly incurred.

It is possible, however, that the European powers might help to promote a compromise which, while saving the honor of Spain, would put an end to the Cuban difficulty. The Anti-Slavery Society about a fortnight ago addressed a memorial to Lord Derby, in which it was asserted that the Spanish Government was willing to make great changes in the position of Cuba, giving the island the right of a self-governing colony, such as Canada or New Zealand, in the British Empire, but on condition that slavery might be retained. The Anti-Slavery Society protested against any sanction being given by the British Government to the latter stipulation, which, it was alleged, the United States Government had determined to reject.

It is noticeable that in Mr. Fish's note the example of the relation between Great Britain and her colonies is held up for approval and contrasted with the old despotic colonial system of Spain. If, then, the two Governments are agreed as to the end, there ought to be little difficulty in devising the means of execution. The theoretical question of slavery need occasion little controversy. Cuba with a practically independent legislature would soon find itself obliged to abolish the "peculiar institution." The island in all probability would be badly governed, but, at any rate, a hopeless, purposeless, fruitless war would be ended, Spain would be freed from a heavy burden without loss of honor, and the Pearl of the Antilles would be able to develop in peace her magnificent natural resources.

[Inclosure 2, in No. 860.]

*Editorial London Morning Post, January 24, 1876.*

The precise attitude of the American Government towards Spain in regard to the Hispano-Cuban affair is shown in the correspondence published at Washington.

It appears that on the 5th of November Mr. Fish sent a note to the United States minister at Madrid setting forth the views and demands of the Government on the



subject. There are reiterated protestations of friendliness toward Spain in both the note and observations of the minister in presenting it. If the action of America is friendly in this matter, Spain may well exclaim, "Defend me from my friends." Certainly the American idea of friendliness is sufficiently strange. Under any circumstances it would have been curious friendliness to have sent a communication of the kind; but to choose the moment of Spain's greatest trial and difficulty to send it was alike unusual and indefensible.

Let us see, however, what it is that America complains of and demands. Mr. Fish starts by making an admission that might have suggested to him the propriety of doing nothing to embarrass Spain; says that "the war on the part of the insurgents is one of pillage and destruction, which the United States are most interested in stopping." Is not Spain far more interested than America in stopping such a war? The "pillage and destruction," spoken of are much more injurious to Spain than to the United States, and as it is the insurgents that are giving this character to the war, it would be more fitting to seek to discourage and embarrass them than the Spaniards. The complaint is then preferred that Spain has "rejected all suggestions for reform, mediation, or reconciliation." What would America have said if Spain or any other country had offered to intervene between her and her own revolted provinces? Would she not have rejected the suggestion as lowering to her dignity and detrimental to her interests and authority? No one knowing America could doubt as to the answer that would have been given in such a case; yet here is America making formal complaints of her proffered interference having been neglected.

As usual, it is one law for America and another for the rest of the world. Mr. Fish then remarks that "the violation of treaty obligations" by Spain and "her unwillingness to afford redress" leads the American Government to ask if Spain's conduct is "any longer to be endured." Here, it will be observed, the American Government makes no distinction between a failure to carry on the due administration of a country, owing to sad misfortunes and crushing difficulties, and a willful "violation of treaty obligations" and an "unwillingness to afford redress." But, of course, the American Government is perfectly well aware that the Cuban difficulty is nothing as compared to the difficulty in Spain itself, and that the Cuban difficulty has existed so long solely on account of that other. America is aware, also, of the immense exertions and sacrifices made by Spain to overcome her various difficulties; and yet, just as Spain is on the point of directing all her force, so painfully accumulated, against the root of the whole evil, in steps the United States to distract her attention and compel a division of her force and resources in respect to a minor matter that would have been settled, and to much better effect, in its turn.

This is President Grant's idea of judicious and friendly action. Mr. Fish then goes on to tell Spain that while she insists that there is no war, she claims the rights of war, and that this can not continue. Even if this were strictly correct, would it lie in America's mouth to bring the charge? "Mutato nomine de te fabula narratur," is a proverb that applies exactly to this case. Mr. Fish then alludes to the precise claims that his Government has to make in the shape of the restoration of embargoed estates and the trial of American citizens; and as Spain at once agreed to do all that she could in the matter, America may have had some cause for complaint. But even so, would it not have been in better taste and equally effective if America had proceeded gently and really kindly in the matter, and had avoided a bullying tone and attitude toward a Government almost at its wit's end from a concatenation of trials and troubles? The United States foreign minister then proceeds to lecture Spain on "the interests of humanity," the treatment of her colonies, and slavery.

He seems to forget that probably America would to this day be exhibiting herself as of old the inhumanity of slavery but for the accident of the revolt of the Southern provinces. The way in which slavery came to be abolished in America must be looked to as well as the mere fact of the abolition. America is hardly the country to lecture another on the subject of slavery. Anyhow, America might have waited until after the suppression of the pillaging and destructive insurrection, until the civil war in Spain had been ended, and until the King and Government of Spain had had a fair opportunity of dealing with the question of the colonies, before lecturing and advising on the matter. The note winds up with the hope on the part of the President that "Spain may secure peace, otherwise he feels that it may become the duty of other Governments to interfere." On this point, Spain can reply that she is straining every nerve to secure peace; that foreign intervention does but encourage the rebels; that the action of the American Government has driven her to divert forces and resources to Cuba that ought to have been employed in crushing the Carlists, and that America has no commission to speak for "other Governments."

Such being the character of the note from the American to the Spanish Government, what are we to think of the injunction to Mr. Cushing to "assure Spain of the friendly disposition of the United States, which have no selfish object in view, and are moved solely by the necessity for self-preservation and the interests not only of humanity but of Spain herself." This is the friendship of the wolf to the lamb.

Luckily the wolf has got no teeth; America has neither army nor navy worth mentioning, and she can not even deal with her red Indians, who afford her a field for the practicing of the "humanity" that she would preach to others. America is good enough to inform Spain that she has no selfish motive, but "qui s'excuse s'accuse," why speak of the matter? Lastly, America tells Spain that intervention is not contemplated as an "immediate result, but only as a contingent on failure of other efforts." This is very kind of America; but people, interpreting for themselves her pettifogging selfishness, will be apt to reflect that without the permission and aid of "other Governments," America could not intervene at all, and that the "other Governments" will avoid hampering the hands and weakening the efforts of Spain at the very moment when she is in all sincerity, honesty, and diligence striving by every means to reestablish peace and order in her dominions both at home and abroad.

[Inclosure 3 in No. 860.]

*Editorial from London Pall Mall Gazette, January 25, 1876.*

THE UNITED STATES AND CUBA.

The note sent by Mr. Fish to Mr. Cushing for presentation to the Spanish Government is a singular combination of reasonable complaint and unreasonable declamation. The Government of the United States are entirely within their right in pointing out to Spain the inconvenience caused to American citizens by the civil war in Cuba and in warning her that unless redress can be obtained for the past injuries and some security provided against their recurrence they may be obliged to redress their own grievances by their own hands. No power can be expected to endure the unprovoked seizure of property legally possessed by its subjects, or the banishment of them without trial. There is no need in this case to consider whether the charges are well founded, because the Spanish Government admits that they are substantially true. In his telegram of the 4th of December last Mr. Cushing reports that the minister of state admits the American grievances, "is opposed on principle to the sequestration of the property of foreigners, condemns the delay of redress, and will take up and promptly settle each case."

If Mr. Cushing's remonstrances had gone no further than the ground covered by this reply, the question might be regarded as disposed of. That Spain can insure the United States from the annoyances which war necessarily inflicts upon mutual neighbors is impossible; but if she is in earnest in reducing these annoyances to a minimum she can greatly soften the legitimate irritation which now exists in America. But Mr. Fish's dispatch is much more comprehensive than the minister of state's reply. The sufferings of American citizens are thrown into comparative insignificance by the side of those higher considerations which Mr. Fish invokes. When the civil war broke out in the United States the Federal Government treated the belief expressed by individual Englishmen that the seceding States would eventually establish their independence as something not far short of an insult, for which the British Government ought to be held responsible. The Executive of the United States sees no harm in doing officially what it blamed Englishmen for doing in their private capacity. "More than five years since," writes Mr. Fish, "the firm conviction of the President was announced that whatever might be the vicissitudes of the struggle, and whatever efforts might be put forth by the Spanish power in Cuba, no doubt could be entertained that the final issue of the conflict would be to break the bonds which attached Cuba as a colony to Spain."

General Grant's convictions are his own property, and if he had expressed them as General Grant Spain would at most have had to complain of a violation of international decorum. But when the President of the United States convictions on the issue of a civil war are announced in formal dispatches they assume in some respects the character of active forces. If Spain had been strong enough she would have been perfectly justified in warning the United States that they must take their choice between active intervention or complete abstention. Nothing short of active intervention can be more unlike complete abstention than the attitude of a Government which cheers the Cuban insurgents with predictions that they must certainly succeed. Great powers do not love to see themselves proved false prophets; and it can hardly be questioned that one at least of the causes which have made the suppression of this insurrection so difficult has been the belief of its authors that in the last extremity President Grant would make good his words and help the Cuban rebels "to assume independence and a right of self-control which natural rights and the spirit of the age accord to them."

Of course, Spain had abundant reason for not taking up the quarrel; but what can be said of the diplomacy which revives the recollection of an insult offered in a dispatch the ostensible object of which is to obtain redress for injuries sustained? Either Mr. Fish is a singularly blundering workman, or at the time of writing his note of the 5th of November he had some other end in view than the mere redress of grievances, which is all that he explicitly demands. When it is remembered that the substance of the dispatch was communicated to the American newspapers on the eve of the November elections, and that the subject thus suddenly brought to the front has since been allowed to drop out of notice, it is not an unnatural inference that the effect of the note on the American electors was more in Mr. Fish's thoughts than its effect on the Spanish Government.

The result has been that the American electors have shown themselves wiser than their guides. Whatever force there may prove to be in the plea that General Grant must be elected President a third time in order to carry on a war with the Vatican, there is seemingly no popular conviction that it is worth while to provoke a war with Spain in order to overcome the prejudice against a third term. It does not indeed require any keen political acumen to detect the difficulties which surround both the alternatives suggested in Mr. Fish's dispatch. It is a cheap exercise of international officiousness to hope that Spain may spontaneously adopt measures for the organization of a stable and satisfactory system of government in Cuba, but if Mr. Fish had to state in words what the measures in question should be, the impossibility of framing them would be at once apparent. If Spain succeeds in putting down the insurrection, a stable government of a certain kind may be established. If the United States go to war and annex Cuba, a stable government of a certain kind may be established.

But to talk of a stable government in an island in which the passions excited by quarrels of race, of color, of social position, have raged with scarcely any restriction for more than five years, while proclaiming in the same breath the impropriety of these passions being subdued by the hand of any external power, is to use words which have no meaning. The concession of independence to Cuba might mean peace as between the mother country and her emancipated colony, but it would not mean peace in Cuba itself. On the contrary, it would only mean war, renewed with greater determination, and conducted with greater fierceness, between the insurgents and that part of the population which, as Mr. Fish very truly puts it, "has sustained and upheld, if it has not controlled, successive governors-general." How this conflict would end we do not pretend to say, but it is safe to predict that while it lasted it would be characterized by yet greater atrocities, and inflict yet greater annoyances on foreign residents than the war which has gone on so long.

After a time the exhaustion of resources and the partial extermination of the fighting population would bring active hostilities to an end; but the experience of West Indian and South American independence does not make their subsequent resumption at all unlikely. It is to create this sort of wilderness within sight of the United States that the American people were invited to run the risk of a war with Spain. For that a war with Spain involves very grave risk to the United States is undoubted. At the outset of a contest which can only be carried on at sea the comparative wealth, numbers, and resources of the combatants go for little, except so far as they are embodied in actual ships.

The power of Spain, such as it is, is so embodied; the power of the United States is not; and it is at least possible that the first act of a war between the two countries might be the bombardment of every American seaport. It does credit to the good sense of the American people that they have not cared to run this risk for the doubtful benefits of annexing an island which they do not want and being ruled for four years longer by General Grant.

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[Inclosure 4 in No. 890.]

*Editorial from the London Times, January 26, 1876.*

In Europe at least there will be a tendency to do injustice to Mr. Fish's indictment of Spain, precisely for the reason which may render it effective among his own countrymen. When American diplomacy states a complaint, it usually makes a large call on those general terms of invective which please half-educated readers, but shock the taste and rouse the suspicions of the more fastidious students.

Critical minds are apt to fancy that the rhetoric has been framed for the purpose of touching the Americans themselves, and when they mentally translate it into scholarly English they tend to cut away much of the truth as well as to improve the style. We speak the more frankly because Mr. Fish seeks to obtain the moral support of European countries in his contest with the Spanish minister of foreign affairs respecting the civil war in Cuba. He would, we assure him, have been much more

effective if he had given specific examples of the wrongs or hardships suffered by his countrymen and left his readers to supply general phrases of indictment. Nevertheless, there need be no doubt that his charges are substantially just, and the truth itself is so grave as to need little ornament from rhetoric.

In Cuba Spain owns one of the fairest and most fertile islands in the world, and it has been detestably misgoverned. While we have allowed our colonies to rule themselves in their own way, Spain has persisted in keeping Cuba in the same state of tutelage as when she herself was the greatest power in the world, and when the very idea of colonial rights had scarcely arisen. The island has been dependent on the will of a Government changed every few years by a pronunciamiento or a popular revolution. It has been used as a place of honorable banishment for unruly soldiers. The dangerous spirits of the army have been sent to Cuba to be kept out of mischief, and they have let loose in the colony the temper which had been found perilous at home. Freed from responsibility, they have often displayed a repetition of that domineering spirit, that contempt of the rights of others, and that cruelty which once added dark chapters to the history of the Spanish conquest. The slaughter of the crew of the *Virginius* was an act which would have been quite natural three centuries ago, but which, when committed in our time, seems wonderful on account of its folly as well as of its atrocity. If the author of such a deed had been an Englishman, he would assuredly have been hung; yet he is still at liberty, and we believe he has still some kind of command.

We can not wonder that Mr. Fish, who speaks for a people as proud in their own way as the Spaniards and immeasurably more powerful, should peremptorily demand the trial of General Burriel. America has also many other causes of complaint. Her citizens owned much property in Cuba, and a great deal of it has been confiscated by the Spanish Government. Restitution has been promised and evaded. Americans, Mr. Fish thinks, have been wrongfully condemned by the insular courts, and they have failed to obtain redress. The Spanish Government has violated its treaty obligations. Still more serious is the injury which it has done to Cuba, and indirectly to America, by the savagery of its warfare. It is laying great part of the island absolutely waste, and thus injuring the interests of the United States in order to maintain slavery and Spanish rule. Nor does Mr. Fish believe that the rebels can be put down, and therefore he calls upon the Government at Madrid to give Cuba at least those privileges of self-rule which have had an admirable effect in the colonies of this country.

It will be very difficult to answer an indictment so formidable in itself and ending in so mild a demand. The purists of international law may at once be warned off the field of discussion. They may say that the United States has no more right to dictate how Spain shall govern Cuba than Spain has to order the reorganization of the South. They may say that the American citizens who live in Cuba went there at their own risk, and must bear the inevitable penalties of civil war. Much the same fate, it may be pleaded, would have come to any Spaniards who had owned property in Virginia during the war between the North and the South, and yet they would have received no redress. Nor, it might be added, were either the Confederate or the Federal cruisers particularly respectful of foreign rights in their efforts to destroy each other. But these arguments are fit merely for lecture rooms. The practical answer is that the general rules of international usage, conveniently called international law, can be applied only to ordinary cases of warfare. Since there is no international parliament, each nation is justified in defending its interests by exceptional measures when they are attacked in an exceptional manner.

Mr. Fish may plead that international law presupposes the power or the readiness of States to be guided by the ordinary rules of civilized morality, and that in her relations with Cuba Spain has systematically set those rules at defiance. The case of the *Virginius* was such an outrage on the usual laws of warfare as to debar her from afterwards invoking them on her own behalf. The duty, therefore, of the United States must be determined, not by the letter of international law, but by general considerations of policy. We find, then, that Spain has driven one of the finest islands in the world into revolt; that she is trying to suppress the revolt by systematic savagery; that she refuses to promise the colonists any form of self-government, and that the restoration of peace by mere force is all but hopeless. The Spanish minister of foreign affairs has promised, it is true, that justice shall be done to those American citizens who have been wronged, but he does not offer to remove the real cause of strife by abolishing slavery or allowing the colonists to rule themselves. We can scarcely expect Mr. Fish to be satisfied with the repetition of a pledge which has already been broken, or with less than the pacification of the island itself. Nor can we blame him for insisting that if Spain will not set Cuba free, she is bound to make it orderly; but at the same time we can not admit that there is any need for war.

America is acting with at least as much moderation as this country would display if Cuba were as near to Cornwall as it is to Florida. In such a case we should require Spain to protect the property of our countrymen and to take the obvious

means of restoring her colony to a state of peace. The rhetoric of an English dispatch would be more measured and precise than that used by Mr. Fish, but it would lead to demands at least as keen. On the other hand, the dispute is one of those which may be arranged without war, or even without the formal intervention solicited by America. The representatives of foreign States at Madrid will, of course, discuss the quarrel with the Spanish ministers, and they can not fail to point out with friendly politeness the folly of the outrages inflicted on American citizens. They will also be able, we should hope, to show the necessity of granting reparation.

In the course of the negotiations with America, the Spanish ministers may likewise be brought to see that they must grant some form of self-government to the revolted colony. The representatives of friendly States can easily show the Spanish ministers, without the formality of intervention, that it would be no discredit to grant reasonable demands, especially when they have been put forward by a State which would in the long run be a match for Spain, even if she were as powerful as she was in her imperial days. It ought to be the more easy to give and take advice, because the United States is manifestly eager to avoid extremities, and would be glad of any reasonable compromise.

On the other hand, the Spanish people are as ignorant as they are proud, and it will need more courage than their ministers usually display to tell the Cortes what is the real state of Cuba and what is the sole remedy for misrule.

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*Mr. Schenck to Mr. Fish.*

No. 862.]

LEGATION OF THE UNITED STATES,  
*London, January 28, 1876. (Received February 12.)*

SIR: In a dispatch sent yesterday I informed you that I had had another conversation with Lord Derby on the subject of our relations with Spain and the condition of affairs in Cuba.

The interview took place three days ago (25th), but I have waited until I could report his lordship's language in his own words, and it was only last evening that I received from him a memorandum which he had promised, enabling me to do so.

I began by reading to his lordship a copy of the cable telegram I sent you on the 2d of December, reporting what he had said to me at that time. He remarked that "nothing could be more accurate" than my statement of his own language, and at once added that he "still remained in the same view as to any intervention."

We had then a conversation of some length. I called his attention to the fact that the text of the President's message, as he must have observed, corresponded strictly and in all points with the assurances and explanations which I had been instructed to give him in advance of its delivery; that the President had discountenanced any present recognition of the independence of Cuba, or recognition of belligerent rights to the insurgents; that the United States desired no rupture with Spain, nor any but the most friendly relations; that any earnest movement on the part of the Government at Madrid to satisfy the just demands of the United States and to put an end by some effective plan of pacification to the deplorable condition of affairs in the island would be gladly hailed and met by us in the most cordial spirit, and that mediation or intervention by other powers was only contemplated as an ultimate necessity. His lordship admitted that such was the tenor and spirit of the message. I told him that the later note from the Spanish Government, to which Mr. Layard had referred as likely to afford a basis for adjustment, had failed to furnish any reason to the President for a modification of the views which he had resolved to express and did put forth in his message; and that indeed the communication, while it afforded hope of a settlement of the particular grievances of the United States, appeared to leave the general question where it was.

Our special causes of complaint and reclamation against Spain for the wrongs done to our citizens and their property I said was, of course, our own concern, and would be taken care of by ourselves, but the interests of humanity, national friendship, and the peaceful security of commerce were all involved in the question of the pacification of the island.

Incidentally I ventured to allude to the opportunity which might, in this connection, be afforded to Her Majesty's Government to manifest their known desire to cooperate by their influence in putting an end everywhere to the institution of slavery.

I referred to the disposition, as learned from Mr. Cushing, of the British minister at Madrid to back him in the matter of Cuba, if a line of action could be agreed on between our two Governments; and I desired to know whether any definite instructions had been given, or would be sent to Mr. Layard tending in that direction.

I was enabled also—having reference to Mr. Hitt's dispatch communicated to me with your No. 833—to say that I had reason to know that France was favorably disposed toward some form of friendly mediation, but that her decision was, to a degree at least, dependent on the course which the Government of Great Britain might adopt.

Lord Derby said in reply, and I give in what follows the succinct statement of his views, as furnished by his own memorandum, that—

The questions with which the United States Government were dealing—the redress of the grievances of American citizens, and the proposal to put an end to the war by mediation—seemed to him to stand on an entirely different footing. In regard to the first, the United States Government had put forward claims which, assuming them to be just in substance, they were entitled to press as a matter of right. In regard to mediation, though everyone could understand the inconvenience and damage to American interests produced by the continuance of the war, yet, strictly speaking, it was not easy to see how any foreign power could claim a right of interference.

They could give friendly advice, but it would rest with the Government of Spain whether to take or to reject it. Lord Derby could only repeat what he had said at a former interview—that, in the interest of humanity and in view of the injury produced by the war, he would be glad to offer the good offices of England to bring about a reconciliation between Spain and Cuba.

But Her Majesty's Government were not prepared to bring pressure to bear on that of Spain, in the event of their overtures being rejected; and that being so, he was unwilling to take any step without having, he would not say a certainty, but a reasonable probability, that some good result would follow. After his former interview with General Schenck, he had consulted Mr. Layard, Her Majesty's minister at Madrid, and that gentleman in reply had expressed a strong opinion that no attempt at mediation by a foreign power was likely to succeed at the present time. Lord Derby agreed with Mr. Layard in this view. He knew, as did also General Schenck, the extreme pride and sensitiveness of the Spanish character, and he was aware that the mere suggestion of foreign interference had produced an outbreak of indignation at Madrid. He was convinced that at this moment Spain would listen to no proposal of mediation.

The Spanish Government hoped to finish the Carlist war in the spring, and would then be free to put forth their whole military strength for the reduction of the island, in which they confidently hoped to succeed. They might be disappointed in both expectations, and Lord Derby thought it not unlikely that they would be so, but they certainly would not abandon the idea of crushing the insurrection without further trial.

Lord Derby thought therefore that if nothing were contemplated beyond an amicable interposition, having peace for its object, the time was ill chosen and the move premature.

He had some reason to think that this was also the view of the French and German Governments.

I will only add that the general tone and manner of Lord Derby was obviously in sympathy with the idea that it was incumbent on Spain to take as early as possible some decided step in the direction of a reform of her policy toward Cuba. The practical difficulty in opening

the subject to her, and in any action to be taken by her Government, lay in the pride and ignorance of her people. He evidently thought that, without any direct offer of mediation, some wholesome influence might perhaps be exercised over the counsels of her ministers by the representatives of friendly powers at Madrid.

I have, etc.,

ROBT. O. SCHENCK.

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*Mr. Schenck to Mr. Fish.*

No. 863.]

LEGATION OF THE UNITED STATES,  
*London, January 31, 1876. (Received February 16.)*

SIR: With my No. 860 I sent you among other articles of the English press commenting on your dispatch of the 5th of November to Mr. Cushing on the subject of Cuba, one extracted from the London Times of the 26th instant, to which I directed your particular attention. It may interest you to read the comment of the Pall Mall Gazette on that Times article, which I now inclose. This reply sets up a question about the obligations of international law, for disregard of which it would take the Times to task. I still think the views of the Times are those which are most in harmony with those entertained at the foreign office.

I inclose at the same time a short article on Cuba, taken from the Evening Standard, which is a high Tory paper; and also a scrap from the Spectator, a weekly paper which is considered liberal.

I have, etc.,

ROBT. O. SCHENCK.

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[Inclosure 1 in No. 863.]

*Article from the Evening Standard, London, January 29, 1876.*

The Cuban insurrection is as long lived as the Carlist revolt. There is no calculating the amount of blood and treasure which have been drawn from the mother country to restore quiet to the island within the past few years. Reinforcements of troops have been sent periodically from Cadiz and Santander, not a tithe of whom will ever see Spain again; captain-general succeeds captain-general with the regularity of clockwork, and notwithstanding the end never is, but always to be. The insurgents are beaten on the average twice a month, yet somehow they always turn up in excellent health and spirits as if they thrived on repeated defeat. It is very difficult to get at the truth about Cuba; but one prediction may be made with safety: As long as Don Carlos parades Navarre and the Vascongadas, the pacification of Cuba will be adjourned. No Spaniard with the spirit of a true hidalgo will allow for a moment in public controversy that his country can part with the island, and yet there is scarcely one traveled and educated Spaniard, we venture to affirm, who will not admit in the intimacy of private conversation that his country can not hold the island. If we are to credit a statement of the grievances of the Cubans published in the Paris Temps yesterday evening, Spain deserves to lose the rich possession which she has held and misgoverned since 1511.

According to this document, the island contains nearly a million and a half of people, a quarter of them European Spaniards, birds of passage, desiring to make a fortune and then return home; another quarter negroes, and the other half natives—the offspring of creoles, colonists, or foreigners. Cuba returned deputies to the Cortes till 1837, when it was deprived of its representation and subjected to special laws. This course was instigated by the then Governor-General Tacón, influenced by the Catalans, who carried on the slave trade and were afraid the deputies would denounce their trade, and the monopoly of the resources of the island by Spanish adventurers. The colonists vainly protested; their hopes of a separate constitution were disappointed, and in 1851 there was a rising, aided by American filibusters, which was easily suppressed. In 1865 Marshal Serrano assured the Cubans that they would soon be again represented in the Cortes; but the reactionaries and slave

owners sent emissaries to Madrid to prevent any reform, and their efforts led to nothing being done but the appointment of a packed commission of inquiry, which sat with closed doors at Madrid.

The Cuban delegates showed that the island was depopulated, and might support 16,000,000 of inhabitants; that scarcely a tenth of the land, the most fertile in the world, was cultivated; that no roads existed except the few made by the colonists; that the judicial and administrative authorities were corrupt; that there was an absence of all freedom; and that the enormous taxation levied was expended in Spanish expeditions to Santo Domingo and elsewhere, and in lavish official salaries. Spaniards very often, we are afraid, rule Cuba, not in the interests of Cuba, or of Spain, but of themselves. They go there, not to settle down and become industrious dwellers therein, but to "make a pile" and depart. Some of the grievances under which the island labored have been removed, but most of them are still unredressed. The revolutionists, on whom the shoe pinches, may be excused for their resistance to their taskmasters; but assuredly under no circumstances is the interference of roving Yankees in the concerns of other people to be excused, much less applauded.

#### THE UNITED STATES AND CUBA.

The Spectator says that Englishmen may be paying too little attention to the relations between Spain and the United States. If the documents just presented to Congress are serious at all, they are most important documents, and we incline, after making every allowance for the necessities and peculiarities of President Grant's position, to believe that they are more serious than is generally imagined. It is perfectly possible that General Grant has decided in his own mind that he will not quit office without inflicting punishment on Spain, and that he has renewed his complaints with an intention of making them heard, and that he is now deliberately warning Congress, the American people, and the European States that he means to have either redress or war.

He may be trifling with the world, but it is much more probable that he is not; and if he is not he is taking precisely the steps European diplomatists would expect. He is demanding definitely and distinctly a just thing, the trial of General Burriel, which the Spanish Government can not, without risking a collision with the volunteers, concede, except on paper. He is telling Madrid in the plainest words he can use that unless he can obtain redress he shall propose to resort to force.

It seems to us that to imagine President Grant, with a Democratic majority in the House of Representatives, a great Spanish fleet in the harbor of Habana, and the Presidential convention almost at hand, is doing all this in order to court a slap in the face from Madrid, a slap which, unresented, would send him on his retirement into a discredited obscurity, is almost absurd; and if he is in earnest the situation is most serious. It is all very well to talk of the American Constitution and the Democratic majority and the absence of material preparations in the United States. The President can order any movement, either of fleet or army, that he pleases. The Spaniards are in no humor to bear interference, and if they defy the Union neither Democrats nor Republicans will remember party squabbles. They might refuse the President his third term, and might be ready to hang him, but they would plunge into war with none the less fierceness and carry it on with none the less decision. They know perfectly well that they might and would suffer at first, but they believe that within six months every spare ironclad in the world, including, perhaps, half the Turkish fleet, would be in their hands; that Cuba would be full of western soldiers, and that the Spaniards would be vainly endeavoring to shield their own harbors from attack.

[Inclosure 2 in No. 888.]

*Article from Pall Mall Gazette, January 29, 1876.*

#### THE VALIDITY OF INTERNATIONAL LAW.

There is nothing in which English writers ought to be more guarded than the discussion of the principles of international law. By slow steps a limited number of principles regulating the intercourse of nations in peace and war have been accepted by the civilized world, and, taken as a whole, those principles constitute a main defense of the commercial nations against the military nations. Of the former class England is the most powerful representative, and her voice is still potent enough in the counsels of aggregate Europe to forbid any relaxation of rules that experience has shown to be beneficial in their regulations of the conduct of nations toward one another. At the same time it is plain that some of the great military powers feel themselves hampered in their policy by these same rules, and would be well pleased



if they could procure the revision of them by a general international agreement, or, better still, if they could bring it to be understood that the rules were not of universal application, but, while applicable to normal cases, might be modified or dispensed with whenever the circumstances were in any way extraordinary.

A State may do this at present, but it is at its own peril; it incurs the risk of that moral censure which even the German Empire does not wholly disregard, and it is likely to arouse a jealous and vindictive feeling among neighboring States who consider the rules of international law as their best security against aggressive surprises. But if the right of free interpretation were once conceded, pretexts would never be wanting for the suspension or modification of the ordinary rules of international law whenever strong powers found those rules embarrassing.

In commenting upon Mr. Fish's Cuban dispatch the other day the *Times* exhibited this danger in a very striking manner. The remarks of the *Times* are often supposed by foreigners to correspond with some intentions of English statesmanship, and a really injurious mistake may originate in what is merely the verbiage of misapprehension. The American demands upon Spain are evidently the more satisfactory to our contemporary because they coincide with and sustain the truculence with which the Madrid Government was rated the other day for its complicity in the misdeeds of the Carlists on the coast of Biscay.

We are told what is quite true, that it will be very difficult for Spain to answer Mr. Fish's indictment; but it is added, suspiciously, "The purists of international law may at once be warned off the field of discussion." But why? Of what offensive intentions are these "purists" suspected? They may, it seems, suggest as an answer to Mr. Fish's charges that "the United States have no more right to dictate how Spain shall govern Cuba than Spain has to order the reorganization of the South;" and they may point out imaginary parallel cases in which Spanish subjects injured by civil warfare in the United States would be left without redress. But the writer goes on to say, "These arguments are fit merely for lecture rooms. The practical answer is that the general rules of international usage, conveniently called international law, can be applied only to ordinary cases of warfare. Since there is no international parliament, each nation is justified in defending its interests by exceptional measures when they are attacked in an exceptional manner. Mr. Fish may plead that international law presupposes the power or the readiness of States to be guided by the ordinary rules of civilized morality, and that in her relations with Cuba Spain has systematically set those rules at defiance. The case of the *Virginius* was such an outrage on the usual laws of warfare as to debar her from afterwards invoking them on her own behalf. The duty, therefore, of the United States must be determined, not by the letter of international law, but by general considerations of policy."

The writer supposes that "the general rules of international usage, conveniently called international law, can be applied only to cases of ordinary warfare." Obviously, according to this view, there are no such rules applying to a state of peace or to disturbances not recognized as belligerency. But next we come to a naked assertion of the interpretation of the freedom for which the great military governments are anxious. How easy it would be for a power with an overwhelming army to prove to its own satisfaction that "its interests had been attacked by exceptional measures," and must be "defended in an exceptional manner;" that is, without reference to any precedents or accepted principles of international law. Can we not imagine the scope of this pretension serenely extended by Prince Bismarck over Belgium or Switzerland? Might not Prince Gortchakoff, just as well as Mr. Fish, plead that "international law presupposes the power or the readiness of States to be guided by the ordinary rules of civilized morality," and declare that Turkey had placed herself outside the pale of those rules by ceasing to be rigorously virtuous? Perhaps, however, the most curious application of this new method of treating international law is the assertion that because Spain behaved badly in the affair of the *Virginius* she became henceforth and forever an outlaw among nations, excluded from any advantages that international law secures to more respectable governments.

This is a hard saying. Are we to understand that one violation of an acknowledged international rule by a State excuses other States from paying any regard to that rule at all in their relations with the offender? If it does not mean this, what are the limits of its meaning? "Not the letter of international law, but general considerations of policy" are to govern the conduct of the civilized world toward a State that once breaks the law itself. This sort of reasoning would justify us in refusing to protect a convict from the brutality of his wardens on the ground that he had no right to appeal to the protection of the law he had broken. "General considerations of policy" will, in practice, mean the interest and convenience of the State that proclaims itself aggrieved, but when we ask why these should override "the letter of international law," we must remember what international law is. Although it is not law in the strict sense of the term, it is, as Professor Cairnes says, "the formal expression of the public opinion of the civilized world respecting the rules of conduct which ought to govern the relations of independent nations, and is consequently

derived from the source from which all public opinion flows—the moral and intellectual convictions of mankind.” It is surely no more desirable that this public opinion should be set at naught by the interest or convenience of a particular State than that a particular individual should be considered justified in modifying to suit his own inclinations or objects the accepted morality of the society in which he lives.

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*Mr. Schenck to Mr. Fish.*

No. 865.]

LEGATION OF THE UNITED STATES,  
*London, February 1, 1876. (Received February 16.)*

SIR: The question of the relations between the United States and Spain continues, in some form, almost daily to occupy the attention of the English public and press.

The interview represented as having been held with you by a reporter of the *New York World* has been this morning the subject of a long editorial comment in the *London Times*, and I send you herewith the article, which you may take some interest in reading, even if you should not think it of value enough to be preserved.

I have, etc.,

ROBT. O. SCHENCK.

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[Inclosure in No. 865.]

*Article from London Times, February 1, 1876.*

When it became known in the United States that the State Department at Washington had invited the cooperation of the European powers in the difficult task of bringing Spain to reason there was a thrill of mingled surprise and relief. “What has become of the Monroe doctrine, then?” was the first question that caught hold of the public mind. If, however, the opponents of General Grant’s Administration had hoped to create any embarrassment for the Republican President and his ministers by raising and pressing this question their expectations have not, apparently, borne fruit. We should by this time have had news of an agitation of popular opinion if any such movement had occurred, for, though the full text of the dispatches sent by Mr. Fish to Mr. Cushing and General Schenck were only laid before the House of Representatives on the 21st of January, it was well known and was not denied by the organs of the Government that the right of the leading European powers to interfere in the politics of the American Continent had been recognized, and in some sense invited, by the Department of State.

We published yesterday the report of an interesting interview with Mr. Fish, which must of course be received with a cautious reserve, since it is vouched for only by a powerful Democratic journal, the implacable enemy and unsparing critic of the Republican Administration. The statements, arguments, and explanations attributed to the Secretary of State are not, however, palpably spurious; they are very much what we should be prepared to find an astute statesman advancing who felt it incumbent upon him to respect popular prejudices while receding from an untenable position and “minimizing” obsolete principles.

Mr. Fish, if we accept the testimony of the “interviewer,” frankly admitted two days before the presentation of the correspondence to the House of Representatives that he had invited the European Governments to examine and consider the actual state of things in Cuba, with a view to their aiding the United States, to use Mr. Fish’s words, “in our appeals to Spain, on purely right grounds, without any prejudice in our favor whatsoever.”

This admission hardly goes so far as to disclose the solicitation contained in the dispatch to General Schenck, in which Mr. Fish suggests that “the Government of Great Britain may possibly, of its own accord, think proper in view of its own interests, to cooperate with the United States in this effort to arrest the cruel war of devastation; humanity, its own great interests, and regard for the preservation of the peace of the world, will, it is believed, without doubt, lead it to support the position which this Government has at length been forced to assume, and to address its representative at Madrid to that end.” But the definition of his diplomatic course given by Mr. Fish would be quite sufficient to kindle a popular clamor if the Monroe doctrine, as generally understood, had kept its hold upon the imagination

of the American people. It was in fact interpreted to signify a deliberate attenuation, if not a direct surrender, of that famous political dogma; and Mr. Fish, while he labors to show that he holds to the traditional policy of his country, is so careful to cut away all the modern and popular developments, accretions, and extensions with which the principles laid down by President Monroe in 1823 have been supplied that he leaves almost nothing as the essence of the doctrine so long proclaimed to be the keystone of American liberties.

To prove his case and defend his departure from what has been, at all events, supposed to be the tradition of American policy, Mr. Fish adroitly opens a curious historical controversy. He boldly turns the tables on all European critics of the Monroe doctrine with the assertion that the real author of the principle enunciated in President Monroe's message was neither the President himself nor, as has been more commonly accepted, his Secretary of State and successor in the Presidential office, John Quincy Adams, but, of all men in the world, Mr. Canning. The revelation is astounding. Are we, then, to believe that the statesman who boasted, in the name of his country, that he "called the New World into existence to redress the balance of the Old," was so heedless of the consequences of his acts that, having created a new order where chaos had reigned previously, he was willing to assent to a pledge excluding the creating power from any regulation of the created elements, whatever might be their confusion or conflicts?

This is almost incredible, and we have, moreover, some recollection that Canning more than once protested against the restrictive and exclusive policy on which the Government of President Monroe seemed disposed to insist. But when we look at the evidence on which Mr. Fish asserts that Canning was responsible for the Monroe doctrine, even in its original and narrowest form, we are astonished at the intellectual audacity of the attempt to give the irrelevant relevancy by dint of stout affirmation.

The Monroe doctrine, as laid down in the message of December 2, 1823, plainly warns the European powers that the American Government would "consider any attempt to extend their system to any portion of this (the Western) Hemisphere as dangerous to our peace and safety." The President was good enough to assure the European powers that no interference with the "existing colonies or dependencies" was intended; "but," he added, and this is the kernel of the "doctrine," "with the Governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States." Mr. Canning was certainly adverse to Spain and friendly toward the revolted colonies of Spain; but even if his feelings had warped his judgment, he could hardly, one might feel sure, have advised the American Government to warn us of "any interposition for the purpose," not only, be it observed, "of oppressing" the States that had asserted their independence, but even "of controlling them in any other manner." Turning, however, to Mr. Fish's citations from the account given by Mr. Rush, then American minister at the Court of St. James, of his conversations with Mr. Canning, we discover what it was that the English statesman actually said. He gave, as we should have expected, sound, sensible, spirited advice, with not a single word in it that could justify the pretensions of President Monroe's message.

He pointed out that the United States was deeply interested in the struggle between Spain and her revolted colonies, and that the American Government had an irresistible claim to make its influence felt in proportion to its interest in the strife. He urged that Europe should recognize this claim in all dealings with American politics, but he assumed that such dealings there must be. He upbraided the American people with their indifference to the interference of the European monarchies in the political arrangements of the New World, but the remedy he advocated was not the surly isolation insisted upon by Monroe, but a cordial and steady cooperation between England and the United States as a counterpoise, not in prohibition of the influence of other powers. These are Mr. Canning's words, and nothing could be less open to misconception: "Had not a new epoch," he asked Mr. Rush, "arrived in the relative position of the United States toward Europe which Europe must acknowledge? Were the great commercial interests which hung upon the destinies of the new continent to be canvassed and adjusted in this hemisphere without the cooperation or even the knowledge of the United States? Were they to be canvassed and adjusted, he would even add, without some proper understanding between the United States and Great Britain as the two chief commercial and maritime States of both worlds? He hoped not; he would wish to persuade himself not."

This was Canning's conception of the attitude which the United States ought to have assumed in American affairs and in their relations with the European powers. Three months later came President Monroe's message, with the doctrine which Mr. Fish asserts to be traceable to Canning's suggestion, but which seems to us, accord-

ing to the obvious construction of language, not to be reconcilable either in terms or sense with Canning's words.

Unfortunately the theory as defined by Adams and enounced by Monroe became further corrupted in the popular politics of the United States until it degenerated into a crude and barren cry of "America for Americans." In practice the good sense of American statesmen mitigated its mischiefs and absurdities, though its pretensions hampered their freedom of action injuriously and kept many perilous questions open that might have been usefully closed by diplomacy. As Mr. Fish tells us, "the very next year after President Monroe advanced that doctrine the United States asked Russia to mediate with Spain to stop the war between Spain and the South American Governments, whose independence the United States had acknowledged."

But the effect of the Monroe doctrine was, on the whole, so pernicious, especially in its moral influence over the American mind, that we decline to admit the fathering of it upon Canning. It produced at the time of the Mexican expedition a rankling indignation at imaginary wrongs that would never have come into being if that unlucky experiment in politics had been looked upon without jealousy. Many Americans came at length to believe not only that the Monroe doctrine was a law of nature, but that the existence of the British colonies, the Spanish colonies, the colonies of France and Holland, and the Empire of Brazil upon the soil of the Western Continents was an insupportable outrage. From these exaggerations of an originally foolish claim we are glad to see that Mr. Fish has withdrawn, and that he shapes his policy rather by the precedents of President Monroe's Administration than by the principles laid down in President Monroe's message. The invitation addressed to the European powers is declared by Mr. Fish to fall outside the scope of the Monroe doctrine, because Cuba is still technically a "colony" of Spain and has not succeeded in asserting her independence. But the spirit of President Monroe's message clearly would exclude the interference in Cuba of any other European power but Spain, for no other can claim the locus standi of an existing possessory interest. This spirit Mr. Fish has utterly cast out, and if he be willing practically to read the Monroe doctrine backward and to interpret it according to the counsels of Canning, which the original dogma directly traversed, we shall not grudge him success in his efforts to preserve the appearance of consistency.

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*Mr. Fish to Mr. Schenck.*

No. 847.]

DEPARTMENT OF STATE,  
Washington, February 21, 1876.

SIR: I inclose herewith for your information a copy of a dispatch of the 23d of January last, No. 1279, from Mr. Hitt, chargé d'affaires ad interim at Paris, which contains an account of a recent interview between himself and the Duke Decazes in relation to the Cuban question.

I am, sir, etc.,

HAMILTON FISH.

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ITALY.

*Mr. Fish to Mr. Marsh.*

No. 503, of November 15, 1875, and telegram of December 13, 1875. (Same as No. 756, of November 15, 1875, and telegram of December 6, 1875, to Mr. Washburne, pp. 98, 99.)

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*Mr. Marsh to Mr. Fish.*

[Telegram.]

ROME, December 14, 1875.

Italian Government will instruct minister at Madrid to take favorable opportunity to urge expediency of fulfilling duties of Spain to United States, and of pacifying Cuba, without specifying measures.

MARSH.

*Mr. Marsh to Mr. Fish.*

No. 585.]

LEGATION OF THE UNITED STATES,  
*Rome, December 14, 1875.*

SIR: Your telegram of the 13th, directing me to carry out instruction No. 503, reached me at 1 o'clock in the night of the 13th-14th instant. At an early hour in the morning I asked, by note, a special interview with the minister of foreign affairs. This was appointed for the afternoon by him, and I accordingly had a full conversation with Mr. Visconti Venosta on the subject of the instruction to Mr. Cushing.

I thought it, on the whole, expedient to make full notes of the contents of the instruction and to read them to the minister, with such brief oral explanations as suggested themselves, instead of literally reading the whole instruction, conforming myself, however, as closely as I was able, to the tenor of the instruction.

The only point of importance on which I added anything beyond mere verbal explanations and suggestions and statistical facts was in regard to the alleged desire of the United States for the annexation of Cuba, which is widely believed in Europe to be the guiding motive in all the action of the Federal Government in its relations with Spain. I stated that the editorial tone of many journals in the United States, and that of many articles in journals not professedly advocating the annexation, was prompted by fraudulently naturalized Cubans, refugees, and other persons interested in severing the connection between Spain and Cuba; that I knew no reason to think that the general population of the United States, still less the more enlightened and patriotic classes, desired the possession of the island, and that I did not in the least doubt the sincerity of the President's disclaimer of such a wish; and I observed that the abolition of slavery in the United States had destroyed the force of the motives which led Mr. Buchanan's Administration to propose the purchase of Cuba, and had rendered the annexation of the island no longer specially desirable as a political object to any section of the United States.

I referred also, by way of illustration, to the pretense of French, and to some extent of Italian, journals that the intervention of the Emperor Napoleon III in Mexico was rendered necessary by the ambitious views of the United States in regard to territorial extension, and pointed out that after the capture of the City of Mexico by General Scott we were virtually in possession of the whole country, and could have retained it if we had so desired, but that we voluntarily surrendered it, retaining only California and some other territory then thought to possess little value, and paying to Mexico a large sum as an indemnity.

I also thought it not disrespectful to the Administration to allude to the unworthy suggestion constantly made in Europe, that the late action of the Government in the matter has been a mere "electioneering maneuver," by pointing out that the character of the present Administration warranted no suspicion of such motives and that in the present condition of political parties and of public opinion in the United States the measure in question could serve no such purpose and be designed for no such end.

I have, etc.,

GEORGE P. MARSH.

## PORTUGAL.

*Mr. Fish to Mr. Moran.*

No. 21 of November 15, 1875. (Same as No. 756 of same date to Mr. Washburne, p. 98.)

*Mr. Moran to Mr. Fish.*

No. 47.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 9, 1875.*

SIR: I received your Nos. 21 and 22, with inclosures, on the 6th instant, and have made myself thoroughly familiar with their contents. In compliance with the instructions in the postscript to No. 21, I have not communicated the substance of your No. 266 to Mr. Cushing to Mr. Corvo; but should you direct me by telegraph or otherwise to do so your orders shall be promptly attended to.

At present I can not form a reliable opinion as to the steps Portugal may be disposed to take in her intercourse with Spain touching this painful conflict in Cuba, but I think that her anxiety to be on good terms with that Government will cause her to hesitate to urge upon the Spanish cabinet at this time the importance and necessity of either abandoning or terminating the contest, however much she may desire to see it brought to an end.

I have, etc.,

BENJAMIN MORAN.

*Mr. Moran to Mr. Fish.*

No. 51.]

LEGATION OF THE UNITED STATES,  
*Lisbon, December 31, 1875.*

SIR: Señor Alexander de Castro, who was recently appointed ambassador extraordinary and minister plenipotentiary from Spain near this court, arrived in Lisbon on the 21st instant, had an audience with and presented his letter of credence to the King on the 28th, and yesterday and to-day received by invitation his colleagues of the corps diplomatique at the palace of the Marquis de Penafiel, which he has taken for his residence during his stay in Lisbon.

I called upon his excellency this afternoon and was cordially received. He is a person of good presence, is tall and courtly, and would be called distingué in any society. Our conversation was brief, but we did not in any way touch upon politics. As neither he nor I had anything to say to each other about the relations between the United States and Spain, we prudently avoided any reference to that subject; but I was struck with the conviction that I shall find him at least a courteous colleague.

Why Spain has sent an ambassador here to replace an envoy extraordinary is not very well understood, especially as Portugal can not return the honor. It is generally believed, however, in well-informed circles in Lisbon, that it is more a personal compliment to Señor de Castro on the part of his sovereign than a mark of admiration for Portugal, although his speech to the King, a copy and translation of which I inclose, with the King's reply, would lead the world to a different conclusion. He is a man of considerable influence in Spain

under the present Government, and it is well known that he has no intention of remaining here for more than five or six months. You will observe that he cautiously insinuates disapprobation of an Iberian union; but this Government is very anxious on that point, and it is not sure that Spain will not overrun Portugal in the event of the independence of Cuba as compensation for the loss of her greatest colony. And yet, although Spain undoubtedly longs for the unification of the peninsula—although such unification would be quite as beneficial to Portugal as to Spain—although England and Scotland hated one another worse than Spain and Portugal do, and yet eventually came together to their common advantage—although the tendency toward unification is the general fact in modern times, as evinced in the cases of Sweden and Norway, of Italy, and of Germany, and can not fail to come sooner or later as respects Spain and Portugal—yet, I believe that no sensible Spaniard contemplates this union by means of war or of any force other than that of circumstances, which it is certain, sooner or later, will induce Portugal to desire it equally with Spain, however strong the opposition to such an end may now be in this Kingdom.

The underlying fear, however, on the part of this Government and people that Spain will seek an early pretext to imperil the independence of Portugal in the event of her losing Cuba, is so apparent to me that I am satisfied that Portugal will under no circumstances at present venture to urge upon the Spanish Government the importance of a speedy termination of the conflict in Cuba, although I am satisfied that this Government ardently desires such a result. I hope, however, that I may be mistaken in this, and that when the time arrives for action Portugal will not be found wanting in her duty to the cause of humanity, justice, and mercy.

I have, etc.,

BENJAMIN MORAN.

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[Inclosure 1 in No. 51.—Translation of speech of Señor de Castro to the King, December 23, 1875.]

SIR: The King, Alfonso XII, of Spain sends me to Your Majesty as ambassador extraordinary and minister plenipotentiary. I have now the high honor to place in Your Majesty's hands the royal letter which accredits me.

Sir, the personal representation with which my august Sovereign has deigned to invest me is a demonstration of the high esteem in which Your Majesty is held and of my Sovereign's ardent desire to cement more and more the friendship with the august person of Your Majesty, with the royal family, as well as the intimate and cordial alliance between two people who mutually respect each other and hold fraternal relations.

To obey the desire of my august Sovereign is my principal duty. To fulfill this is my ardent wish. One and the other will be easy for me to accomplish if Your Majesty concedes me his good will and his Government the cooperation which is necessary.

Portugal and Spain are as two good and old friends, who in the recollection of their respective and similar glorious actions can and ought to live together without other rivalries than an honorable incentive to add to such actions, while being both supported by the constitutional monarchies by which they are governed.

May Your Majesty deign to accept the homage of my profound respect.

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[Inclosure 2 in No. 51.—Translation of the King's speech in reply to Señor de Castro, December 23, 1875.]

SEÑOR AMBASSADOR: Having received the letter of His Majesty the King of Spain, which accredits you as ambassador extraordinary and minister plenipotentiary at my court, I have heard with sincere pleasure all that you have just expressed to me in the name of His Majesty; both what relates to myself, the royal family, and to

the nation over whose destinies I preside, as also concerning the honorable and important mission to represent him personally which your august sovereign has designed to entrust you with.

Deeply sensible of this act of courtesy on the part of His Majesty the King Alfonso XII, I shall always hold it as an agreeable duty to reciprocate his beneficent wishes. I shall, moreover, not cease to employ every means within my reach to preserve the good harmony, and cement more and more the relations of sincere friendship which happily subsist between the two people, united by identity of political institutions, by the record of their glorious deeds in the forefront of civilization and human progress.

As to yourself, Señor Ambassador, I have much pleasure in assuring you that I hold in high esteem your celebrity and the distinguished qualities which adorn you; with such honorable precedents already known to me, no doubt need rest in your mind but that you have obtained already the right of my good will and to the esteem and loyal cooperation of my Government.

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*Mr. Fish to Mr. Moran.*

No. 26.]

DEPARTMENT OF STATE,  
Washington, January 4, 1876.

SIR: Your dispatches numbered 46 and 47 have been received. With reference to the last-mentioned dispatch, I have to state that, although a copy of the instruction addressed to Mr. Cushing (No. 266) was transmitted to you, the Department, upon considering the question of which it treats, reached the same conclusions as to the course which would likely be taken by the Government of Portugal as are expressed by you; hence it did not instruct you to make any communication in regard thereto to that Government, nor is it at this time deemed advisable to so instruct you.

I am, etc.,

HAMILTON FISH.

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RUSSIA.

*Mr. Fish to Mr. Boker.*

No. 13 of November 15, 1875, and telegram of December 13, 1875.  
(Same as No. 756 of November 15, 1875, and telegram of December 6, 1875, to Mr. Washburne, pp. 98, 99.)

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*Mr. Boker to Mr. Fish.*

[Telegram.]

ST. PETERSBURG, December 16 1875.

Gortchakoff promises, if Emperor consent, representations shall be made to Spanish Government freely, agreeing to do all in his power for the preservation of good relations. He, however, doubts influence of Russia at Madrid, but sympathetically appreciates our difficulty.

BOKER.

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*Mr. Boker to Mr. Fish.*

No. 35.]

LEGATION OF THE UNITED STATES,  
St. Petersburg, December 16, 1875.

SIR: I have the honor to inform you that on the morning of the 14th instant I received from you a cipher telegram. As this was not written



with the key I had sent to you, nor with that which I had at first received from you, it was impossible to decipher it. I therefore telegraphed to you, "Cipher unintelligible; send keyword or use scythe."

That evening Mr. Schuyler succeeded in deciphering your telegram, making it read, "Proceed as instructed in number thirteen," thus getting your keyword, and this interpretation was confirmed by your telegram received yesterday morning.

I immediately acted upon your instructions and saw Prince Gortchakoff. The details of this interview I shall give you in another dispatch. As a summary of its result, I sent you a cipher telegram, a copy of which I inclose.

I have, etc.,

GEO. H. BOKER.

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*Mr. Boker to Mr. Fish.*

No. 36.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, December 18, 1875.*

SIR: I have the honor to say that in accordance with your instructions, already referred to in my dispatch No. 35, I called on Prince Gortchakoff for the purpose of laying before him the state of the relations existing between the United States and Spain, as set forth in the inclosures to your dispatch No. 13, and of suggesting to him whether, in the present uncertain condition of the negotiations, it might not be deemed advisable by the Government of Russia to make such representations to the Spanish Government as may hasten the peaceful settlement which the Government of the United States has in view.

On laying before Prince Gortchakoff a condensed statement of the facts, and the arguments contained in your dispatches to Mr. Cushing, I found that the chancellor not only took a deep interest in the questions before him, but he spontaneously offered, if that course should be in accordance with the wishes of the Emperor, to employ the good offices and the friendly advice of the Russian Government with that of Spain, with the intention of effecting an equitable adjustment of the difficulties. At the same time Prince Gortchakoff cautioned me not to expect too much from the intervention of Russia in Spanish affairs, as the influence of the Imperial Government with that of Spain could not be very great at the present time, owing to the long-existing diplomatic rupture between the two countries, the memory of which had scarcely died away at Madrid, the little intercourse between the peoples, and the almost complete separation in which each power exists in relation to the interests of the other.

When I recounted to Prince Gortchakoff a narrative of the events which had led to the complication between the United States and Spain, he expressed the warmest sympathy with the United States. He seemed to be surprised at the patience and the forbearance with which our Government had acted, not only toward the Government of Spain, but toward the more easily approached provincial authorities of Cuba. He said, significantly, that history does not show us that this has been the usual conduct of strong powers toward weaker ones. He commended the reluctance which the Government of the United States seemed to feel in proceeding to serious measures with a country in the distracted condition of Spain, and he said that this last act, the laying of the question before the great powers for their consideration and possible action, was a display of candor and of magnanimity on our part that was almost without precedent in international affairs, and

that it must forever set at rest the report that the United States had views of territorial extension in the direction of Cuba.

In commenting on the possible results of a rupture between the United States and Spain, Prince Gortchakoff observed that the earliest and the most inevitable consequence of hostilities would be the loss of Cuba to the Spanish Crown. This event, in his opinion, would be fatal to the prospects of the yet unsettled King of Spain; as it would be a humiliation to Spanish pride which none of the many political parties of the Kingdom could venture to forgive for the sake of upholding the insecure throne of the young King. That consideration seemed to Prince Gortchakoff to be the most important and pressing one to Spanish interests, and should the Emperor agree that representations be made to the Spanish Government, as to the questions at issue between Spain and the United States, I have little doubt that the argument addressed to that Government will be most strongly urged from the point of view just stated.

I shall take care to acquaint myself with any steps that may be taken by the Government of Russia in the direction above proposed, and I shall give to the Department the earliest intelligence of the result of the movement.

I have, etc.,

GEO. H. BOKER.

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*Mr. Boker to Mr. Fish.*

[Telegram.]

ST. PETERSBURG, *December 23, 1876.*

Russian envoy at Madrid instructed to make representations to Spanish Government. Gortchakoff thinks everything will depend on action of England.

BOKER.

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*Mr. Boker to Mr. Fish.*

No. 38.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, December 23, 1875.*

SIR: I have the honor to say that this morning I had an interview with Prince Gortchakoff in regard to the diplomatic representations which it was proposed should be made by Russia to the Spanish Government touching the precarious relations at present existing between the latter Government and that of the United States, the substance of which interview I this day transmitted to you in a cipher dispatch, a copy of which is herein inclosed.

Prince Gortchakoff informed me that the Emperor had acquiesced in the design, and that instructions had been forwarded to the Russian minister at Madrid to lay before the Spanish Government the views of the chancellor as expressed in my dispatch No. 36, of December 18, 1875, and to proffer friendly and serious advice to that Government in accordance with the spirit of those views.

While Prince Gortchakoff assured me of the pleasure which it gave the Emperor and himself to act in the interest of peace and of good understanding between friendly nations, he once more requested me to remember that which he had previously said as to the moderate influence which Russia must be supposed to exercise in Spanish affairs.

He also reiterated the opinion—as though it were the summing up of his judgment as to the question—that the course of Spain would depend altogether upon the action of the British Government, and the representations which might be made by it at the court of Madrid, regarding the unsatisfactory relations between the United States and Spain. He said that the combined influence of all the other powers was not equal to that of Great Britain with the Spanish Government; and he supposed that as the United States and Great Britain had a common interest and a like grievance in the questions which grew out of the affair of the *Virginias*, the policy and the action of the two nations would be in harmony.

I have, etc.,

GEO. H. BOKER.

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*Mr. Fish to Mr. Boker.*

No. 25.]

DEPARTMENT OF STATE,

*Washington, January 13, 1876.*

SIR: Your No. 36, reporting the result of your interview with Prince Gortchakoff on communicating to him No. 266 to Mr. Cushing, pursuant to instruction No. 13, has been read with interest and attention, and it is a source of satisfaction to learn that the chancellor should have been impressed with the views of the President contained therein and the patience and forbearance manifested by the United States toward Spain.

It was because the President was satisfied that such conclusions must be reached by an unbiased friendly power to whom the facts might be communicated, that you were instructed to bring the instruction and the views of this Government to the notice of the minister for foreign affairs.

I await with interest further intelligence as to the course pursued by Russia and as to any instructions which may be issued to the representative of that Government at Madrid.

While appreciating the frankness of the chancellor and the friendly disposition manifested by him, there are certain expressions in your dispatch which suggest the possibility of some misapprehension of the purpose of this Government in making the communication in question.

You state that on laying before the chancellor a condensed statement of the facts and arguments, he spontaneously offered, if in accordance with the wishes of the Emperor, to employ the good offices and friendly advice of the Russian Government with that of Spain with the intention of effecting an equitable adjustment of the difficulties, and in the latter portion of the dispatch that the chancellor stated that the act of this Government in laying the question before the great powers for consideration and possible action was a display of candor and magnanimity almost without precedent in international affairs.

Instruction No. 266 having been presented to the Government of Spain by Mr. Cushing at Madrid on November 30, you were instructed on the 13th day of December to read the same to the minister for foreign affairs at St. Petersburg, and to assure him of the sincere desire of the President for a termination of the conflict in Cuba by the spontaneous action of Spain, or the agreement of the parties, and to state that should the Government to which you are accredited find it consistent with its views to urge upon Spain the necessity of terminating or abandoning this contest, it was believed that the friendly expression of such views might tend to the earlier restoration of peace and prosperity to Cuba.

It was intended to bring to the notice of Spain the friendly expression of the unbiased and disinterested views of a member of the great family of nations in reference to the necessity of a termination of the conflict in Cuba, but it was not the intention of this Government to go further, nor was it expected that the Russian Government should take any steps toward effecting an adjustment of the individual griefs of the United States, nor that it should lend any material assistance under any circumstances. The course adopted by this Government was deemed a just and manly one toward Spain, beneficial to humanity at large, and calculated to put at rest any question of ulterior motives on the part of the United States.

I refer to this question by way of greater caution, because on such delicate subjects a shade of misapprehension or a slight change of meaning may at times lead to erroneous impressions, and while therefore conveying to the chancellor the thanks of this Government for his declarations, and with an appreciation of his friendly disposition, it may be well to make it certain that no misapprehension exists in reference to the subject.

I am, etc.,

HAMILTON FISH.

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*Mr. Boker to Mr. Fish.*

No. 55.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, February 9, 1876.*

SIR: Referring to your dispatch No. 25, under date of January 13, 1876, I have the honor to say that I am confident no misapprehension exists or ever existed in the mind of Prince Gortchakoff as to the purpose of the Government of the United States in orally communicating to the Government of Russia dispatch No. 226, addressed to Mr. Cushing, in accordance with your instruction No. 13.

After having carefully considered the three concluding paragraphs of your dispatch No. 25, I feel justified in saying that Prince Gortchakoff understood my communication in the sense in which the purpose of the Government is therein expressed, and in no other sense of which I am at present aware. He distinctly understood from me that the only remedy that could be applied to the many difficulties which have grown out of the civil war in Cuba, as set forth in the dispatch to Mr. Cushing, No. 266, was, in the opinion of the Government of the United States, a speedy pacification of the island. That is to say, the main question which concerned the powers friendly to Spain was the general condition of things in Cuba, while the particular questions between the United States and Spain which had arisen from the situation were exposed to the Government of Russia by way of furnishing argument and illustration of the direction in which matters were drifting.

Prince Gortchakoff did not understand from me that any kind of intervention between the United States and Spain was suggested or desired on the part of my Government; nor could he have inferred from my language that the Government of the United States did not consider itself to be capable, without foreign aid, of settling its affairs with Spain.

The suggestion which I made to Prince Gortchakoff, and upon which I believe he acted, was, that if, after considering the state of things in Cuba, the Imperial Government should, in the interests of Spain, and with a view to the preservation of the peace of the world, make such

friendly representations as it saw fit to the Government of that country, such a course would be satisfactory to the Government of the United States. I did not attempt to prescribe the character of the representations to be made; but as all the difficulties had arisen from the distracted state of the Island of Cuba, it could not but be inferred that the only feasible advice that could be given must have for its object the pacification of that island.

From the first I saw how delicate were the issues involved in the business which I had undertaken, and how readily Prince Gortchakoff might decline to act, on the principle of noninterference with the domestic affairs of a friendly nation. On the other hand, I desired to succeed in the negotiation, and to bring about the end which my Government had in view, without placing the United States under the burden of an obligation to Russia. I therefore kept prominently in sight the ulterior interests of Spain, which were to be served by an induced change in her policy, and I thought that I had met with a fair measure of success when I perceived that Prince Gortchakoff's views took the same direction.

I take it for granted that it was hardly supposed by the Government of the United States that the exposition of the facts and the arguments employed in dispatch No. 226, although communicated confidentially to Prince Gortchakoff, would not be used substantially by him in any representations which he might instruct the minister of Russia at Madrid to make to the Government of Spain, since without that information, according to Prince Gortchakoff's statement as to his slight knowledge of the subject, he would have had no grounds upon which to base the proposed representations.

On reading over my two dispatches Nos. 36 and 38, from the stress which I have laid upon the then exciting topic, the precarious relations existing between the United States and Spain, and the rumors of an impending war, which indeed greatly influenced the direction of the conversation between Prince Gortchakoff and myself, I can easily understand how I, in writing my dispatches, was led away from the main subject, the present condition of Cuba, and confined myself almost wholly to Prince Gortchakoff's views of the threatening aspect of affairs between the two countries.

I believe, however, that neither Prince Gortchakoff nor I lost sight of the fact that the cause of the perilous aspect of affairs lay in the state of things in Cuba, and that the only remedy for the difficulty would be found in a change of the policy of Spain toward her colony. I now observe, however, that in the two dispatches above referred to I rather reported Prince Gortchakoff's words than my own, and by thus giving a too one-sided view of the matter I conveyed an erroneous impression as to the attitude which I assumed on the part of the United States.

I have, etc.,

GEO. H. BOKER.

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*Mr. Boker to Mr. Fish.*

No. 56.]

LEGATION OF THE UNITED STATES,  
*St. Petersburg, February 10, 1876.*

SIE: In order to satisfy the Government of the United States fully as to the understanding of Prince Gortchakoff of the communication made to him by me, which forms the subject of my dispatch No. 55,

under date of the 9th of February, I, to-day, had an interview with that gentleman.

On communicating to him the substance of the three concluding paragraphs of your dispatch No. 25, he assured me that he had not had any misapprehension of the object sought to be accomplished by the Government of the United States, nor any misunderstanding of the language which I had used to him on the occasion of my first interview, and that instructions to the Russian minister at Madrid to use his good offices with the Spanish Government for the proposed object had been written in accordance with the spirit of the words contained in your dispatch No. 25.

When I communicated to Prince Gortchakoff that part of your dispatch No. 25 in which the thanks of the Government of the United States are conveyed to him for his opinions and course regarding our complications with Spain, the chancellor seemed to be deeply touched, and he warmly returned his acknowledgments for the courtesy extended to him.

I have, etc.,

GEO. H. BOKER.

## CUBA.

PAPER SUBMITTED BY MR. MORGAN, PRINTED FOR THE USE OF THE  
COMMITTEE ON FOREIGN RELATIONS.

The Congress of the United States, deeply regretting the unhappy state of hostilities existing in Cuba, which has again been the result of the demand of a large number of the native population of that island for its independence, in a spirit of respect and regard for the welfare of both countries, earnestly desires that the security of life and property and the establishment of permanent peace and of a government that is satisfactory to the people of Cuba should be accomplished with the consent of Spain.

And to the extent that the people of Cuba are seeking the rights of local self-government for domestic purposes, the Congress of the United States expresses its earnest sympathy with them. The Congress would also welcome with satisfaction the concession, by Spain, of complete sovereignty to the people of that island, and would cheerfully give to such a voluntary concession the cordial support of the United States. The near proximity of Cuba to the frontier of the United States, and the fact that it is universally regarded as a part of the continental system of America, identifies that island so closely with the political and commercial welfare of our people, that Congress can not be indifferent to the fact that civil war is flagrant among the people of Cuba.

Nor can we longer overlook the fact that the destructive character of this war is doing serious harm to the rights and interests of our people on the island, and to our lawful commerce, the protection and freedom of which is safeguarded by treaty obligations. In the recent past and in former years, when internal wars have been waged for long periods and with results that were disastrous to Cuba and injurious to Spain, the Government of the United States has always observed, with perfect faith, all of its duties toward the belligerents.

It was a difficult task thus forced upon the United States, but it was performed with vigor, impartiality, and justice, in the hope that Spain would so ameliorate the condition of the Cuban people as to give them peace, contentment, and prosperity. This desirable result has not been accomplished. Its failure has not resulted from any interference on the part of our people or Government with the people or government of Cuba.

The hospitality which our treaties, the laws of nations, and the laws of Christianity has extended to Cuban refugees in the United States has caused distrust on the part of the Spanish Government as to the fidelity of our Government to its obligations of neutrality in the frequent insurrections of the people of Cuba against Spanish authority. This distrust has often become a source of serious annoyance to our people, and has led to a spirit of retaliation toward Spanish authority in Cuba, thus giving rise to frequent controversies between the two countries. The absence of responsible government in Cuba, with powers adequate to deal directly with questions between the people of

the United States and the people and political authorities of the island, has been a frequently recurring cause of delay, protracted imprisonment, confiscations of property, and the detention of our people and their ships, often upon groundless charges, which has been a serious grievance.

When insurrections have occurred on the Island of Cuba the temptation to unlawful invasion by reckless persons has given to our Government anxiety, trouble, and much expense in the enforcement of our laws and treaty obligations of neutrality, and these occasions have been so frequent as to make these duties unreasonably onerous upon the Government of the United States.

The devastation of Cuba in the war that is now being waged, both with fire and sword, is an anxious and disturbing cause of unrest among the people of the United States, which creates strong grounds of protest against the continuance of the struggle for power between Cuba and Spain, which is rapidly changing the issue to one of existence on the part of a great number of the native population.

It is neither just to the relations that exist between Cuba and the United States, nor is it in keeping with the spirit of the age or the rights of humanity that this struggle should be protracted until one party or the other should become exhausted in the resources of men and money, thereby weakening both until they may fall a prey to some stronger power, or until the stress of human sympathy or the resentments engendered by long and bloody conflict should draw into the strife the unruly elements of neighboring countries.

This civil war, though it is great in its proportions and is conducted by armies that are in complete organization and directed and controlled by supreme military authority, has not the safeguard of a cartel for the treatment of wounded soldiers or prisoners of war.

In this feature of the warfare it becomes a duty of humanity that the civilized powers should insist upon the application of the laws of war recognized among civilized nations to both armies. As our own people are drawn into this struggle on both sides, and enter either army without the consent of our Government and in violation of our laws, their treatment when they may be wounded or captured, although it is not regulated by treaty and ceases to be a positive care of our Government, should not be left to the revengeful retaliations which expose them to the fate of pirates or other felons.

The inability of Spain to subdue her internecine enemies by the measures and within the time that would be reasonable when applied to occasions of ordinary civil disturbance is a misfortune that can not be justly visited upon citizens of the United States, nor can it be considered that a state of open civil war does not exist, but that the movement is a mere insurrection and its supporters a mob of criminal violators of the law, when it is seen that it requires an army of 100,000 men and all the naval and military power of a great kingdom even to hold the alleged rebellion in check.

It is due to the situation of affairs in Cuba that Spain should recognize the existence of a state of war in the island, and should voluntarily accord to the armies opposed to her authority the rights of belligerents under the laws of nations.

The Congress of the United States, recognizing the fact that the matters herein referred to are properly within the control of the Chief Executive until, within the principles of our Constitution, it becomes the duty of Congress to define the final attitude of the Government of



the United States toward Spain, presents these considerations to the President in support of the following resolution:

*Resolved by the Senate (the House of Representatives concurring),* That the present deplorable war in the Island of Cuba has reached a magnitude that concerns all civilized nations to the extent that it should be conducted, if unhappily it is longer to continue, on those principles and laws of warfare that are acknowledged to be obligatory upon civilized nations when engaged in open hostilities; including the treatment of captives who are enlisted in either army; and due respect to cartels for exchange of prisoners and for other military purposes; truces and flags of truce, and the provision of proper hospitals and hospital supplies and services to the sick and wounded of either army: And therefore it is

*Resolved,* That this representation of the views and opinions of Congress be sent to the President; and if he concurs therein that he will, in a friendly spirit, use the good offices of this Government to the end that Spain shall be requested to accord to the armies with which it is engaged in war the rights of belligerents, as the same are recognized under the laws of nations.

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IN THE SENATE OF THE UNITED STATES.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

*In response to resolution of the Senate of May 16, 1896, relative to the rights of the United States, under our treaty with Spain, as to the trial of our citizens arrested in Cuba and under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, a report of the Secretary of State, with accompanying papers.*

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MAY 23, 1896.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States :*

I transmit herewith, in response to a resolution of the Senate of the 16th instant, a report of the Secretary of State, to which are attached copies in English and Spanish of the original text of a protocol executed January 12, 1877, between the minister plenipotentiary of the United States of America to the Court of Spain and the minister of state of His Majesty the King of Spain.

It being in my judgment incompatible with the public service, I am constrained to refrain from communicating to the Senate at this time copies of the correspondence described in the third paragraph of said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, May 23, 1896.

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The PRESIDENT:

The undersigned, Secretary of State, to whom was referred certain resolutions passed by the Senate of the United States on the 16th instant, in the following terms:

*Resolved*, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando y Collantes, minister of the King of Spain, on January twelfth, eighteen hundred and seventy-seven, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

3. That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters or near to that island—has the honor to annex herewith literal copies, in English and Spanish, of the original text of the protocol referred to in the second paragraph of said resolutions, and to report that the original of said protocol is in both the English and Spanish languages.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, May 23, 1896.

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*Protocol of a Conference held at Madrid on the 12th of January, 1877, between the Honorable Caleb Cushing, Minister Plenipotentiary of the United States of America, and His Excellency Señor Don Fernando Calderon y Collantes, Minister of State of His Majesty the King of Spain.*

The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and for the reasons set forth and representations exchanged in various notes and previous conferences, proceeded to make declaration on both sides as to the understanding of the two Governments in the premises and respecting the true application of said treaties.

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands or her ultramarine possessions, charged with acts of sedition, treason or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the Law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned Law; but even in this case the accused shall enjoy for their defense the guaranties embodied in the aforesaid Law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suit-

able times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of Articles twenty to thirty-one of the said Law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the Audiencia of the Judicial District, or to the Captain General, according as the trial may have taken place before the ordinary Judge or before the council of war, in conformity also with what is prescribed in the above-mentioned Law.

Mr. Cushing declared as follows:

1. The Constitution of the United States provides that the trial of all crimes except in cases of impeachment shall be by jury, and such trial shall be held in the State where said crimes shall have been committed, or when not committed within any State the trial will proceed in such place as Congress may direct (Art. III, Sec. 2); that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury except in cases arising in the land and naval forces or in the militia when in actual service (Amendments to the Constitution, Art. V); and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have counsel for his defense. (Amendments to the Constitution, Art. VI.)

2. The Act of Congress of April 30, 1790, chap. 9, sec. 29, re-enacted in the Revised Statutes, provides that every person accused of treason shall have a copy of the indictment and a list of the jury, and of the witnesses to be produced at the trial, delivered to him three days before the same, and in all other capital cases two days before that takes place; that in all such cases the accused shall be allowed to make his full defense by counsel learned in the law, who shall have free access to him at all seasonable hours; that he shall be allowed in his defense to make any proof which he can produce by lawful witnesses, and he shall have due power to compel his witnesses to appear in Court.

3. All these provisions of the Constitution and of Acts of Congress are of constant and permanent force, except on occasion of the temporary suspension of the writ of habeas corpus.

4. The provisions herein set forth apply in terms to all persons accused of the commission of treason or other capital crimes in the United States, and therefore, as well by the letter of the law as in virtue of existing treaties, the said provisions extend to and comprehend all Spaniards residing or being in the United States.

Señor Calderon y Collantes then declared as follows:

In view of the satisfactory adjustment of this question in a manner so proper for the preservation of the friendly relations between the respective Governments, and in order to afford to the Government of the United States the completest security of the sincerity and good faith of His Majesty's Government in the premises, command will be given by Royal order for the strict observance of the terms of the

present Protocol in all the dominions of Spain and specifically in the island of Cuba.

In testimony of which we have interchangeably signed this Protocol.

CALEB CUSHING.

FERNANDO. CALDERON Y COLLANTES.

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MINISTERIO DE ESTADO.

*Protocolo de una conferencia celebrada en Madrid el dia 12 de Enero de 1877, entre el Exmo. Sor. Don Fernando Calderon y Collantes, Ministro de Estado de Su Magestad el Rey de España, y el Honorable Caleb Cushing, Ministro Plenipotenciario de los Estados Unidos de América.*

Las dos partes respectivas mutuamente deseosas de terminar amistosamente toda controversia sobre el efecto de los Tratados vigentes en determinados casos de jurisdiccion y procedimientos judiciales, y a consecuencia de las razones espuestas y las observaciones cambiadas en varias notas y conferencias anteriores, hicieron por ambas Partes declaracion de la inteligencia de los dos Gobiernos en la materia y acerca de la recta aplicacion de dichos Tratados.

El Señor Calderon y Collantes declaró lo siguiente:

1º. Ningun ciudadano de los Estados Unidos residente en España, sus Islas adyacentes ó sus posesiones de Ultramar, acusado de actos de sediccion, infidencia ó conspiracion contra las instituciones, la seguridad pública, la integridad del territorio ó contra el Gobierno supremo, ó de cualquier otro crimen, podrá ser sometido á ningun tribunal escepcional, sino exclusivamente á la jurisdiccion ordinaria, fuera del caso en que sea cogido con las armas en la mano.

2º. Los que, fuera de este último caso, sean arrestados ó presos, se considerará que lo han sido de órden de la Autoridad civil para los efectos de la Ley de 17 de Abril de 1821, aun cuando el arresto ó la prision se haya ejecutado por fuerza armada.

3º. Los que sean cogidos con las armas en la mano, y por tanto estén comprendidos en la escepcion del artículo primero serán juzgados en consejo de guerra ordinario, con arreglo al artículo segundo de la citada Ley; pero aun en este caso, disfrutarán para su defensa los acusados de las garantias consignadas en la citada Ley de 17 de Abril de 1821.

4º. En su consecuencia, asi en los casos mencionados en el párrafo tercero como en los del segundo, se les permitirá á los acusados nombrar procurador y abogado, que podrá comunicar con ellos á cualquiera hora propia, se les dará oportunamente copia de la acusacion y una lista de los testigos de cargo, los cuales serán examinados ante el presunto reo, su procurador y abogado, segun se establece en los artículos veinte al treinta y uno de dicha Ley; tendrán derecho para compeler á los testigos de que intenten valerse á que comparezcan á prestar su declaracion ó á que la presten por medio de exhorto; presentarán las pruebas que les convengan y podran estar presentes y hacer en el juicio público su defensa de palabra ó por escrito, por si mismos ó por medio de su abogado.

5º. La sentencia que recaiga se consultará con la Audiencia del territorio ó con el Capitan General del distrito, segun el juicio haya sido ante el Juez ordinario or ante el Consejo de guerra, con arreglo tambien á lo que en la citada Ley se determina.

El Señor Cushing declaró lo que sigue:

1º. La Constitucion de los Estados Unidos consigna que el enjuicia-

miento para todos los delitos, excepto aquellos de que sean acusados altos funcionarios, será por el jurado, y tal enjuiciamiento ha de verificarse en el Estado donde se hayan cometido dichos delitos ó crímenes, y si estos no fueren cometidos dentro de un Estado, se seguirá el juicio en el lugar que designe el Congreso, (Art. III, Parragrafo 2º); que nadie será obligado á responder por un crimen capital ó de otro modo infamante, sino en virtud de informe del gran jurado, con escepcion de los casos que ocurran en las fuerzas de tierra ó de mar, ó en la milicia, cuando esté actualmente de servicio (Enmiendas á la Constitucion, Art. V); y que en toda formacion de causa criminal disfrutará el acusado del derecho á juicio pronto y público por un jurado imparcial del Estado y distrito donde se haya cometido el crimen, y á que se le dé conocimiento de la naturaleza y motivo de la acusacion; á ser careado con lost estigos de cargo, á valerse de mandamiento ú orden imperativa del tribunal para obligar á los testigos de que intente valerse á que presten su declaracion, y á tener abogado y procurador para su defensa. (Enmienda á la Constitucion, Art. VI.)

2º. El acto del Congreso de 30 de Abril de 1790, capº. 9, sec. 29, sancionado de nuevo en los Estatutos Revisados, consigna que á toda persona acusada de infidencia le será facilitada copia de la acusacion, con una lista del jurado y de los testigos que han de presentarse en el juicio, tres dias antes que este se celebre, y en todos los demás casos capitales, dos dias antes del mismo; que en todos los casos de tal clase podrá el acusado hacer su amplia defensa por medio de Abogado, quien tendrá libre comunicacion con él á toda hora propia; que podrá en su defensa hacer cualquier prueba que pueda presentar por testigos hábiles y tendrá derecho para compeler á sus testigos á que comparezcan ante el Tribunal.

3º. Todas estas disposiciones de la Constitucion y de los actos del Congreso están constante y permanentemente vigentes, con escepcion del caso de la suspension temporal del Auto de "Habeas Corpus."

4º. Las disposiciones aquí consignadas se aplican espresamente á todas las personas acusadas de infidencia ú otros crímenes capitales en los Estados Unidos, y por lo tanto, asi segun la letra de la Ley como tambien en virtud de los Tratados vigentes, las espresadas disposiciones alcanzan y comprenden á todos los Españoles residentes ó estantes dentro del territorio de los Estados Unidos.

El Señor Calderon y Collantes entonces declaró lo que sigue: En vista del satisfactorio arreglo de esta cuestion de una manera tan propia para la conservacion de las relaciones amistosas entre los respectivos Gobiernos y á fin de dar al Gobierno de los Estados Unidos la mas completa seguridad de la sinceridad y buena fé del Gobierno de Su Magestad en la materia, se mandará por Real Orden la estricta observancia del presente Protocolo en todos los dominios de España y particularmente en la Isla de Cuba. En testimonio de lo cual hemos firmado alternativamente este Protocolo.

FERNº CALDERON Y COLLANTES.  
CALEB CUSHING.



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CORRESPONDENCE CONCERNING THE DEATH OF  
CHARLES GOVIN.

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M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO A RESOLUTION OF THE SENATE OF DECEMBER  
22, 1896, A REPORT FROM THE SECRETARY OF STATE, ACCOM-  
PANIED BY COPIES OF CORRESPONDENCE, CONCERNING THE  
DEATH OF CHARLES GOVIN, A CITIZEN OF THE UNITED STATES,  
IN THE ISLAND OF CUBA.

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JANUARY 5, 1897.—Referred to the Committee on Foreign Relations and ordered to  
be printed.

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*To the Senate:*

I transmit herewith, in response to a resolution of the Senate of the  
22d ultimo, a report from the Secretary of State, accompanied by copies  
of correspondence, concerning the death of Charles Govin, a citizen of  
the United States, in the Island of Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*Washington, January 5, 1897.*

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**The PRESIDENT:**

The Secretary of State, to whom was referred the resolution of the  
Senate of December 22, 1896, requesting the President, "if not incom-  
patible with the public interest, to transmit to the Senate such infor-  
mation as the State Department has relating to the death of Charles  
Govin, a citizen of the United States and a newspaper correspondent,  
from violence by the Spanish forces at Corredana, in the Island of  
Cuba," has the honor to lay before the President copies of the corres-  
pondence called for.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
*Washington, January 4, 1897.*



## DEATH OF CHARLES GOVIN.

[Telegram.]

*Mr. Rockhill to Mr. Lee.*DEPARTMENT OF STATE,  
August 18, 1896.

Newspaper advices from Key West of 16th state that Charles Govin, an American citizen and correspondent, was captured near Jaruco by Spanish troops and put to death. Investigate and report by cable.

ROCKHILL.

[Telegram.]

*Mr. Lee to Mr. Rockhill.*

HABANA, August 19, 1896.

Charles Govin landed from the *Three Friends* July 6th; joined insurgents; captured in a skirmish on the 9th with Arturo Adrian and Adolfo Mijares. They were bound and taken off. Nothing heard of them since. They are not in the fort nor prisoners.

[Telegram.]

*Mr. Rockhill to Mr. Lee.*DEPARTMENT OF STATE,  
August 20, 1896.

Replying your cable of yesterday in reference Charles Govin you are instructed to demand of Captain-General full information. In case Govin still alive insist on his enjoying full treaty rights under paragraph 2 or 3 of protocol of 77, as case may be.

*Mr. Lee to the Governor-General of Cuba.*UNITED STATES CONSULATE-GENERAL,  
Habana, August 26, 1896.

**EXCELLENCY:** Having been informed in a communication dated the 21st August by the Secretary-General that you have referred a previous communication concerning the American citizen, Mr. Charles Govin, to the Captain-General, who will remit to you the data requested, and in order to aid your efforts in this direction, I beg to inform your excellency that I have information which may or may not be correct, but if correct, should be followed up in order to secure the necessary information as to the fate of Charles Govin. It is certain that the American public now believes that Govin was captured, tied, and afterwards killed. It seems to me to be the duty of both of us to remove that impression if the information upon which it is based is false.

I hear that Govin was captured in a skirmish on the 9th of July between the Spanish troops under General Ochoa and the insurgents under Valencia, at a point north of Jaruco and near the coast; that the Spanish General Ochoa, having in charge the captured Govin and

other prisoners, encamped that night, namely, the 9th July, at San Matias. I am further told that next morning, the 10th July, Govin, bound to two men, named, respectively, Arturo Adrian and Adolfo Miyares, was taken off by the infantry portion of Ochoa's command. The commanding officer of that detachment is responsible for the prisoners of war committed to his care and should be required to produce or account for Govin if living, or if not, report the mode and manner of his death.

I take this opportunity to reiterate to your excellency the assurances of my most distinguished consideration.

FITZHUGH LEE.

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*Mr. Adee to Mr. Lee.*

DEPARTMENT OF STATE,  
Washington, August 27, 1896.

SIR: Your dispatch No. 93, of the 20th instant, relative to the fate of Charles Govin, who belonged to the *Three Friends* expedition, has been received, and in reply you are informed that your proposal to make a peremptory demand for information concerning him is approved by the Department. No effort should be spared by you to have this case thoroughly investigated.

I am, etc.,

ALVEY A. ADEE,  
Acting Secretary.

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*Mr. Rockhill to Mr. Lee.*

WASHINGTON, September 5, 1896.

SIR: The Department has received your dispatch, No. 106, of the 29th ultimo, with inclosures, relative to the fate of Charles Govin, a citizen of the United States, and in reply you are instructed to press unremittingly for a full investigation and a report in this matter.

I am, etc.,

W. W. ROCKHILL,  
Acting Secretary.

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*Mr. Lee to Mr. Rockhill.*

UNITED STATES CONSULATE-GENERAL,  
Habana, September 10, 1896.

SIR: I beg to acknowledge the receipt of your instruction, No. 76, directing me to press unremittingly for a full investigation and report as to the fate of Charles Govin, a citizen of the United States. It is to be remembered that the Captain-General, in a communication dated August 24, stated that said Govin had been wounded in a skirmish and had died from said wounds. To that communication I replied under date of the 29th of said month to the effect that I was constrained to believe that the information furnished to the Captain-General was not correct, and requesting that Govin's matter be referred back to the commanding officer of the troops engaged, as it is possible that he may have confounded the case of some other person with that

of Charles Govin. Since that I have heard nothing further, but if no response is made within the next few days I will again call the attention of the Captain-General to the subject.

I am, etc.,

FITZHUGH LEE.

*Mr. Lee to Mr. Rockhill.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, September 10, 1896.*

SIR: I beg to acknowledge receipt of your instruction, No. 73, of the 3d instant, transmitting a letter \* \* \* inclosing the affidavit of \_\_\_\_\_, stating that he was an eye witness of the murder of Mr. Charles Govin by Spanish troops.

The statements contained in the affidavit do not agree with those given to my representative, and tend to confuse the manner and mode of Govin's death. I am inclined to believe \_\_\_\_\_, for he had no object in making any such statements and did not volunteer to do so.

I am, etc.,

FITZHUGH LEE.

[Telegram.]

*Mr. Rockhill to Mr. Lee.*

DEPARTMENT OF STATE,  
*September 15, 1896.*

Your No. 123 received. Is answer you expected received? If not, press for immediate and satisfactory one.

ROCKHILL.

*Mr. Lee to Governor-General of Cuba.*

[Translation.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, September 15, 1896.*

*To His Excellency, the Governor-General of the Island of Cuba:*

EXCELLENCY: On the 29th of August last I had the honor to address a communication to your excellency in reference to the American citizen, Charles Govin. To the communication of the date designated no reply has been received.

I am instructed by the Department of State at Washington to press for a full investigation and a report on this matter.

I write, therefore, to ask whether any further investigation and report will be made, or whether it is proposed to rest the case, so far as your Government is concerned, upon your letter to me of the 24th August, in which it was stated that "it appears that in the several exchanges of shot had with the rebels at the mountains of San Martin some prisoners were made, among whom appeared, wounded, Charles Govin, who died in consequence of his wounds."

I take this occasion, etc.,

FITZHUGH LEE.

*Mr. Lee to Mr. Rockhill.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, September 18, 1896.*

SIR: I have the honor to submit herewith the translation of an official communication from the Spanish Government on this island embodying a report as to the fate of Mr. Charles Govin, an American citizen, from an officer of the Spanish army to Captain-General Weyler, who in turn reported it to Governor-General Weyler. The name of the officer making the report is not given nor the place where Govin is said to have died in consequence of wounds.

It will be observed that this is a communication in reply to one from me to General Weyler dated the 29th of August, a copy of which has been duly forwarded to the Department. In that communication I had the honor to say that the account of Govin's death was not satisfactory and did not conform to the information in my possession. It will be seen that the inclosed report of the Captain-General to the Governor-General is a reiteration of his former communication.

I respectfully submit this matter to the consideration of the Department.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 188.—Translation.]

*Governor-General of Cuba to Mr. Lee.*

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
OFFICE OF THE SECRETARY-GENERAL,  
*Habana, September 15, 1896.*

*To the Consul-General of the United States, Present.*

SIR: His excellency, the Captain-General, reported yesterday to the Governor-General, as follows:

"EXCELLENCY: His excellency, the general in command of the third brigade of the second division of the third corps of the army of this island, under date of the 25th ultimo, reports to me as follows:

"EXCELLENCY: In answer to the two respectable communications of your excellency of the 23d instant, relative to the information requested by the consul-general of the United States regarding the American citizen, Mr. Charles Govin, I have the honor to inform your excellency that the said person was made a prisoner after having been seriously wounded in the engagement on the 9th of July, which took place in the mountains of San Martin, and that he died in consequence of his wounds on the following day upon being taken to this place, as I had the honor to inform your excellency in the report of said engagement dated July 11, No. 197, in the list of prisoners made that day, and consequently the private information furnished to said consul is without foundation, or perhaps it has been maliciously furnished by persons disaffected to the good name of the Spanish army."

By order of his excellency, I transmit to you the above in answer to your communication of the 29th ultimo relative to the matter.

God guard you many years.

EL MARQUES DE PALMEROLA.

*Mr. Lee to Governor-General of Cuba.*

[Translation.]

CONSULATE-GENERAL OF THE UNITED STATES,  
*Habana, October 2, 1896.*

EXCELLENCY: I duly received your communication of the 18th of September, transmitting the report of the chief of the brigade, second division, third corps of your army, and I am now directed to say to

you that in view of the facts in my Government's possession tending to show the killing of Govin after he was taken prisoner, it does not consider the report of your subordinate a satisfactory account of his death. I will have also to request the name of the officer making the report in question as well as the name of the place at which it was written, this last seeming to be important because in the said report the commander of the brigade states that Govin died in consequence of his wounds on the following day after being taken to this place, but nowhere is the name of said place stated.

I take, etc.,

FITZHUGH LEE.

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*Mr. Rockhill to Mr. Lee.*

DEPARTMENT OF STATE,  
Washington, October 8, 1896.

SIR: The Department has received your dispatch, No. 160, of the 3d instant, with inclosure, relative to the fate of Charles Govin, and in reply you are informed that your action in demanding of the Governor and Captain General of Cuba the name of the subordinate general who made the report of the death of Mr. Govin and the name of the place at which it was written, is approved by the Department.

\* \* \* \* \*  
I am, etc.,

W. W. ROCKHILL.

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*Mr. Lee to Mr. Rockhill.*

UNITED STATES CONSULATE-GENERAL,  
Habana, October 17, 1896.

SIR: With further reference to my dispatch, No. 160, of the 3d instant, and instruction, No. 119, of 8th instant, relative to the case of Charles Govin, I have the honor to transmit copy translation of a communication from the Governor-General, in which he states the name of the officer who reported Govin's death to have been Brig. Gen. Eduardo Lopez Ochoa, and the place where said official report was written was Jaruco.

I have, etc.,

FITZHUGH LEE.

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[Inclosure in No. 184.—Translation.]

*Captain-General of Cuba to Mr. Lee.*

ARMY OF THE ISLAND OF CUBA, CAPTAINCY-GENERAL,  
OFFICE OF THE GENERAL STAFF,  
Habana, October 16, 1896.

In answer to your communication of the 2d instant, I have to inform you that the report relative to the death of the citizen of the United States, Mr. Charles Govin, which in due season was communicated to you, is dated at Jaruco, and signed by the general of Brigade D, Eduardo Lopez Ochoa.

As the report referred to is official, to which I give full credit, I regret that the Government of your nation does not consider it satisfactory, undoubtedly because it takes into consideration private reports which, deprived of an official character, and perhaps furnished indirectly by enemies of Spain, I understand, should not be taken into consideration by a friendly nation.

God guard you many years.

VALERIANO WEYLER.

CLAIMS OF CITIZENS OF THE UNITED STATES AGAINST  
SPAIN.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF DECEMBER 15, 1896,  
REPORT FROM THE SECRETARY OF STATE, SUBMITTING A LIST  
OF CLAIMS FILED IN THE DEPARTMENT OF STATE BY CITI-  
ZENS OF THE UNITED STATES AGAINST SPAIN, ARISING OUT  
OF THE INSURRECTION EXISTING IN THE ISLAND OF CUBA,  
AND THE ACCOMPANYING PAPERS RELATING TO THE VESSEL  
CALLED "COMPETITOR" AND THE PERSONS CLAIMING AMERI-  
CAN CITIZENSHIP CAPTURED THEREON.

JANUARY 22, 1897.—Referred to the Committee on Foreign Relations and ordered to  
be printed.

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*To the Senate of the United States:*

In response to the resolution of the Senate of December 15, 1896,  
relating to Cuban affairs, I transmit a report from the Secretary of  
State, submitting a list of the claims filed in the Department of State  
by citizens of the United States against Spain, arising out of the insur-  
rection existing in the Island of Cuba, and the accompanying corre-  
spondence relating to the vessel called the "*Competitor*" and the persons  
claiming American citizenship captured thereon, which I deem it not  
incompatible with the public interests to communicate.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, January 22, 1897.

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The PRESIDENT:

In response to the resolution of the Senate of the United States of  
December 15, 1896, reading as follows—

*Resolved*, That the President is requested, if it is not in his opinion incompatible  
with the public service, to send to the Senate copies of the papers relating to the  
condition of affairs in the Island of Cuba, which are referred to in the report of the  
Secretary of State that accompanies his last annual message as papers collected  
in the annual volume entitled Foreign Relations of the United States. And also a

statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain, growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the *Competitor* and the persons captured with or near that vessel, with a statement of the charges pending in any court in Spain or Cuba against said persons, and the proceedings of such court in those cases, and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health; whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges, or were represented by any consul, attorney, or other agent of the United States—

the undersigned, Secretary of State, has the honor to submit a list of claims filed in the Department of State by citizens of the United States against Spain, arising out of the existing insurrection in the Island of Cuba, and correspondence relating to the vessel known as the *Competitor* and the persons claiming American citizenship captured thereon, with a view to its transmission to the Senate if deemed not incompatible with the public interests.

The preparation of the copies of correspondence called for in the first part of the resolution requiring more time than has been found necessary in the case of those herewith transmitted, it has been thought proper not to delay longer in submitting to you the documents now ready.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, January 22, 1897.

I.

*List of claims against Spain, growing out of the insurrection in Cuba, filed in the Department of State.*

Name of claimant.	Ground of claim.	Amount claimed.
August Bolten .....	Arrest and imprisonment.....	\$10,000.00
John D. Ferrer .....	do .....	25,000.00
Mrs. C. J. Dias de Clarke.....	Property losses.....	116,325.00
John F. Java .....	do .....	90,585.00
Jose Ygnacio Toscano .....	do .....	15,000.00
Pedro Pintarco Ortis .....	do .....	84,000.00
F. J. Cazansa .....	do .....	39,843.00
Jose G. and Jose M. Delgado .....	do .....	178,534.00
Jose Antonio Yznaga.....	do .....	156,500.00
Ricardo Machado .....	do .....	64,900.00
Francisco Seiglie .....	do .....	778,510.00
Jose Rafael de les Reyes y Garcia and wife.....	do .....	729,161.00
Frederick P. Montea .....	do .....	160,000.00
George L. Lay .....	do .....	(a)
Andres L. Terry .....	do .....	334,905.00
John A. Sowers.....	Arrest, imprisonment, and expulsion.....	200,000.00
Perfecto Lacost.....	Property losses.....	652,900.00
Wm. A. and Louisa M. Glean.....	Imprisonment.....	150,000.00
Wm. A. Glean.....	Property losses.....	4,688.00
Louis M. Glean.....	do .....	7,547.00
Whiting & Co .....	do .....	60,240.00
Mrs. A. L. Whiting.....	do .....	17,000.00
J. B. Carrillo de Albornoz .....	do .....	36,000.00
Ignacio Larrondo.....	do .....	129,472.38
Cristobal N. Madan.....	Property losses and personal injuries.....	88,000.00
Antonio A. Martinez.....	Property losses.....	35,000.00
Joaquin P. Cruz and wife.....	do .....	70,000.00
George W. Hyatt.....	do .....	285,490.54
Manuel A. R. Morales.....	do .....	275,000.00
Peter Domingues .....	Expulsion .....	10,000.00
Teresa Joerg.....	Property losses .....	2,500.00

(a) Value of horse.

## List of claims against Spain, etc.—Continued.

Name of claimant.	Ground of claim.	Amount claimed.
James A. Glean.....	Property losses.....	\$28,425.00
Peter S. Rodrigues.....	do.....	40,798.00
Antonio M. Jimenes.....	do.....	19,158.45
Pedro C. Casanova.....	do.....	40,400.00
Do.....	Personal injuries.....	40,000.00
Walter G. Dygart.....	Arrest and imprisonment.....	100,000.00
Frederick A. Libbey.....	Property losses.....	23,168.00
Jose M. Caraballo.....	do.....	90,470.00
Do.....	Arrest, imprisonment, etc.....	80,000.00
Angel Gronlier.....	Property losses.....	84,779.00
Albert V. de Goleouria.....	do.....	180,000.00
Rosa A. Maragliano.....	do.....	80,000.00
Juana M. C. de Maragliano.....	do.....	25,000.00
J. de Armas y Armas.....	do.....	69,525.00
Maximo M. Dias.....	do.....	10,000.00
Wm. W. Gay.....	Expulsion.....	25,000.00
Thomas R. Dawley.....	Arrest, imprisonment, etc.....	100,000.00
George Fortier.....	Property losses.....	82,450.00
L. F. Marejon y Marques.....	do.....	15,000.00
Wm. G. Thorne.....	do.....	25,000.00
M. D. J. Garcia y Pino, executrix, etc.....	do.....	200,000.00
Mmanuel Prieto.....	do.....	58,850.00
Gustave Richelleu.....	Imprisonment.....	(a)
Miguel de la Vega y Gener.....	Property losses.....	71,683.00
J. Sanchez y Coba.....	do.....	16,290.00
F. J. Terry y Dorticos.....	do.....	202,952.50
J. C. de Albornoz O'Farrill.....	do.....	106,105.49
A. C. de Albornoz O'Farrill.....	do.....	180,703.12
Heine Safety Boiler Co.....	do.....	27,316.80
E. M. y de la Cruz.....	do.....	(b)
Francisco Rionda (Central Tuinucu Sugar Cane Manufacturing Co.).....	do.....	527,480.20
Charles Rosa.....	do.....	882,840.00
Rabel & Co.....	do.....	75,785.00
Joseph M. Duenos.....	do.....	15,000.00
P. P. de Leon.....	do.....	879,000.00
J. F. de Coscio.....	do.....	20,000.00
Peter E. Rivery.....	Personal injuries.....	(c)
Samuel T. Tolon.....	do.....	50,000.00
Do.....	Property losses.....	100,000.00
Adolphus Torres.....	Imprisonment.....	25,000.00
A. L. Terry y Dorticos and A. E. Terry.....	Property losses.....	81,888.00
A. E. Terry.....	do.....	110,500.00
Frederick L. Craycraft.....	Personal injuries.....	25,000.00
Thomas E. Rodrigues.....	Property losses, banishment, etc.....	61,000.00
Oscar Gignel.....	Property losses.....	100,000.00
Jose Tur.....	do.....	251,500.00
Adolfo Santa Maria.....	do.....	120,803.22
Enriqueta Santa Maria.....	do.....	84,953.22
Joseph M. Fernandes.....	do.....	61,115.61
George Becket.....	do.....	75,000.00
Mmanuel F. Lopes.....	Killing of son, S. N. Lopes.....	100,000.00
Adolfo Torres.....	Arrest and imprisonment.....	25,000.00

a A fair indemnity.

b Not stated.

c Suitable indemnity.

## II.

## CORRESPONDENCE RELATIVE TO THE COMPETITOR.

List of papers relative to the "Competitor" and the persons claiming American citizenship captured thereon.

Mr. Williams to Mr. Rockhill, April 30, 1896.  
 Mr. Williams to Mr. Olney, May 1, 1896.  
 Mr. Olney to Mr. Taylor, May 1, 1896.  
 Mr. Williams to Mr. Rockhill, May 1, 1896.  
 Mr. Rockhill to Mr. Williams, May 1, 1896.  
 Mr. Williams to Mr. Rockhill, May 2, 1896.  
 Mr. Olney to Mr. Williams, May 2, 1896.  
 Mr. Williams to Mr. Olney, May 2, 1896.  
 Mr. Olney to Mr. Williams, May 2, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2940, May 2, 1896.



Mr. Taylor to Mr. Olney, May 4, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2946, May 5, 1896.  
 Mr. Olney to Mr. Williams, May 6, 1896.  
 Mr. Williams to Mr. Olney, May 6, 1896.  
 Mr. Williams to Mr. Olney, May 7, 1896.  
 Mr. Olney to Mr. Williams, May 7, 1896.  
 Mr. Olney to Mr. Williams, May 8, 1896.  
 Mr. Williams to Mr. Olney, May 8, 1896.  
 Mr. Williams to Mr. Olney, May 8, 1896.  
 Mr. Williams to Mr. Olney, May 8, 1896.  
 Mr. Olney to Mr. Williams, May 9, 1896.  
 Mr. Williams to Mr. Olney, May 9, 1896.  
 Mr. Olney to Mr. Williams, May 9, 1896.  
 Mr. Rockhill to Mr. Williams, No. 1362, May 11, 1896.  
 Mr. Williams to Mr. Olney, May 11, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2968, May 11, 1896.  
 Mr. Williams to Mr. Olney, May 11, 1896.  
 Mr. Taylor to Mr. Olney, No. 510, May 11, 1896.  
 Mr. Olney to Mr. Williams, May 11, 1896.  
 Mr. Williams to Mr. Olney, May 12, 1896.  
 Mr. Williams to Mr. Olney, May 13, 1896.  
 Mr. Williams to Mr. Olney, May 16, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2987, May 21, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2988, May 21, 1896.  
 Mr. Williams to Mr. Rockhill, No. 2996, May 23, 1896.  
 Mr. Taylor to Mr. Olney, June 16, 1896.  
 Mr. Olney to Mr. Taylor, June 30, 1896.  
 Mr. Lee to Mr. Rockhill, No. 50, July 14, 1896.  
 Mr. Lee to Mr. Rockhill, No. 79, August 11, 1896.  
 Mr. Lee to Mr. Rockhill, No. 90, August 19, 1896.  
 Mr. Olney to Mr. Taylor, September 3, 1896.  
 Mr. Taylor to Mr. Olney, September 4, 1896.  
 Mr. Taylor to Mr. Olney, September 8, 1896.  
 Mr. Lee to Mr. Rockhill, No. 118, September 9, 1896.  
 Mr. Lee to Mr. Rockhill, No. 190, October 21, 1896.  
 Mr. Rockhill to Mr. Lee, No. 152, October 28, 1896.  
 Mr. Springer to Mr. Rockhill, No. 211, November 12, 1896.  
 Mr. Springer to Mr. Rockhill, No. 212, November 14, 1896.  
 Mr. Springer to Mr. Rockhill, No. 220, November 18, 1896.  
 Mr. Rockhill to Mr. Springer, No. 165, November 19, 1896.  
 Mr. Springer to Mr. Rockhill, No. 223, November 20, 1896.  
 Mr. Springer to Mr. Rockhill, No. 226, November 23, 1896.  
 Mr. Springer to Mr. Rockhill, November 26, 1896.  
 Mr. Springer to Mr. Rockhill, No. 234, November 26, 1896.  
 Mr. Springer to Mr. Rockhill, No. 246, December 3, 1896.  
 Mr. Springer to Mr. Rockhill, No. 251, December 5, 1896.  
 Mr. Springer to Mr. Rockhill, No. 260, December 15, 1896.

[Telegram.]

*Mr. Williams to Mr. Rockhill.*

HABANA, April 30, 1896.

The American schooner *Competitor*, from Key West, with part of the crew, was captured near San Cayetano, to the westward, while, it is alleged, landing arms for the insurgents, and towed here yesterday. The case subject to marine jurisdiction. I have seen admiral, who tells me it is now under examination of the judge of instruction. I have verbally asked for observance, as heretofore, of the protocol in the trial of the Americans among them, and I shall confirm it in writing.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 1, 1896.* (Received 3 p. m.)

Urgent. Please instruct the United States minister at Madrid to request Madrid Government to instruct Captain-General to observe strictly the protocol in the trial of American citizens found on board *Competitor*.

[Telegram.]

*Mr. Olney to Mr. Taylor.*

DEPARTMENT OF STATE,  
Washington, *May 1, 1896.*

Urge Spanish foreign office to at once instruct Captain-General Cuba to strictly observe protocol applicable to trial of American citizens found on board *Competitor*. This cable sent at instance of Consul-General Williams. Cable result.

[Telegram.]

*Mr. Williams to Mr. Rockhill.*

HABANA, *May 1, 1896—11 p. m.*

Urgent. As the marine jurisdiction has cognizance of the *Competitor* and persons captured on board, I have delivered to-day personally a communication to the admiral, asking that the case be tried under seventh article, 1795, and the protocol therein, protesting against trial by summary court-martial or any form of procedure not adjusted to the treaties. Admiral received me most courteously, but seemed to hold the opinion that the case does not come under any treaty of Spain with the United States, because first article of the protocol says "citizens of the United States residing in Spanish dominions," and these men do not reside therein. I replied that the protocol is contained in the seventh article of the treaty of 1795, and there is nothing therein making residence of American citizens within Spanish dominions or Spanish subjects in the United States a condition necessary to entitle either of them to the enjoyment of all its guaranties.

Please to instruct by cable.

[Telegram.]

*Mr. Rockhill to Mr. Williams.*

WASHINGTON, *May 1, 1896.*

Was Ambrose Urbach, of Key West, among prisoners captured on schooner *Competitor*?

[Telegram.]

*Mr. Williams to Mr. Rockhill.*

HABANA, *May 2, 1896.*

Can not say if Urbach was on board *Competitor*, my request to see prisoners and their names being yet refused.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 2, 1896.*

Yours of yesterday respecting *Competitor* passengers received and acted upon. What is situation to-day? Cable.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 2, 1896.*

No change in situation *Competitor* passengers. I have received answer to my communication from acting admiral saying chief admiral cruising, but has been informed by him of the case and is expected to return immediately, when my communication will be answered. Meanwhile no procedure will be taken in prejudice to the rights of the American citizens.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 2, 1896.*

If your position is that *Competitor* passengers must be tried by the regular marine tribunal having jurisdiction in the like cases, and not by special court-martial, your position is approved and you are instructed to insist upon it.

*Mr. Williams to Mr. Rockhill.*

No. 2940.]

HABANA, *May 2, 1896.*

SIR: Referring to my dispatches Nos. 2933 of the 30th ultimo and 2934 and 2938 of the 1st and 2d instant, respectively, relating to the capture of the American schooner *Competitor*, with several persons on board, while, as is alleged, landing arms and ammunition for the insurgents, near San Cayetano, on the north coast of Cuba, to the westward of Habana, I have now the honor to inclose copy, with translation, of the communication dated the 30th ultimo, which, as I cabled on the same day and yesterday evening, I delivered into the hands of the admiral of the Spanish West Indian naval station, asking that the American citizens found on board be tried in accordance with the terms of the seventh article of the treaty of 1795, and protesting, in the name of the Government of the United States, against their trial by summary court-martial or by any other form of procedure not adjusted to the terms of the treaty.

As mentioned in my cablegram of last evening, the admiral expressed himself conversationally as holding the opinion that as these men were not residents of the Spanish dominions they did not come, therefore, under the treaty engagements between Spain and the United States. I answered this, in substance, that article 7 of the treaty of 1795 embraced American citizens and Spanish subjects in general and excluded none,

and that no one of its parts could be annulled by the protocol, such as excluding from the enjoyment of its guaranties American citizens not residing, in the sense of domiciliation, within the Spanish dominions, nor Spanish subjects not residing within those of the United States. In this understanding of the treaty I shall continue to act unless otherwise instructed by the Department.

I beg to inclose a copy (with translation) of a communication received to-day from the admiral acknowledging receipt of mine of the 30th ultimo.

I am, sir, very respectfully, your obedient servant,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure No. 1, with dispatch No. 2840, Habana, May 2, 1896.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, April 30, 1896.*

EXCELLENCY: The fact of the seizure and bringing into this port of the American schooner *Competitor*, of Key West, Fla., with several persons on board, by a Spanish man-of-war, and of the subjection of the vessel and persons for trial to the tribunals of the marine jurisdiction of this island, having reached the knowledge of this consulate-general, and it being natural to suppose that these persons are either all or in part citizens of the United States, and having no exact information of the causes and the charges justifying their subjection to the said tribunals; therefore, and in conformity with instructions, I have to ask your excellency to please inform me at your earliest convenience of the specific charges against this American vessel, as likewise against the persons, with names of the latter, that I may at once transmit the information to my Government.

Also, in compliance with the same instructions, I have to cite as strictly applying to the trial of these persons the terms of article 7 of the treaty of October 27, 1796, between the United States and Spain, which says:

"The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors as they may judge proper in all their affairs and in all their trials at law in which they may be concerned before the tribunals of the other party; and such agents shall have free access to the proceedings in such cases, and at the taking of all examinations and evidence which may be exhibited in the said trials."

In consequence, I have to ask your excellency for the strict observance of these stipulations in the trial of the said persons, as was confirmed and agreed upon between the two Governments in the protocol of the 12th of January, 1877, for the amicable termination of all controversy as to the effect of existing treaties in certain matters of judicial procedure, and with respect to the application of the said treaties in the trial of citizens of the United States within the dominion of Spain, which reads as follows:

"1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory, or against the supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

"2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

"3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but even in this case the accused shall enjoy for their defense the guaranties embodied in the aforesaid law of April 17, 1821.

"4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles 20 to 31 of the said law;

they shall have the right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper, and they shall be permitted to present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

"5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain-General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law."

For the reasons above expressed, and in view of the jurisprudence already established by the civil and military courts of this island since the 12th of January, 1877, date of the mutual understanding between the two Governments as to the application of their treaties in cases of this nature, I can not less than expect that the marine courts will also strictly observe the said article 7 and the protocol, granting to the persons now accused the enjoyment of all the means of defense therein stipulated.

And it being agreed between the two Governments under article 3 of the above inserted protocol that those American citizens who may be taken with arms in hand shall be tried by ordinary council of war, I must, therefore, protest in the name of my Government against the trial of these American citizens by summary court-martial, because of this method being excluded from the protocol, as I also protest against every form of procedure not adjusted to the treaty.

I am, etc.,

RAMON O. WILLIAMS,  
*Consul-General.*

The ADMIRAL OF THE SPANISH WEST INDIAN SQUADRON, ETC.

[Inclosure No. 2, with dispatch No. 2940, Habana, May 2, 1896.—Translation.]

OFFICE OF THE ADMIRAL OF THE SPANISH WEST INDIAN SQUADRON,  
*Habana, May 1, 1896.*

SIR: I have the honor to acknowledge the receipt of your courteous communication of yesterday's date, personally delivered by you to-day at 2 p. m., and to inform you that the case of the seizure of the schooner *Competitor* being under indictment proceedings (en sumario), it is not possible to answer at present your said communication nor your note relating to same; but I promise to do so at the earliest convenience.

I am, etc.,

P. A. JOSE GOMEZ IMAZ.

The CONSUL-GENERAL OF THE UNITED STATES.

[Telegram.]

*Mr. Taylor to Mr. Olney.*

MADRID, *May 4, 1896.*

Telegraphic orders sent Cuba suspending all executive action until examination can be made as to all taken upon *Competitor* who may prove to be American citizens.

*Mr. Williams to Mr. Rockwell.*

No. 2946.]

HABANA, *May 5, 1896.*

SIR: In continuation of my dispatches Nos. 2933, 2934, and 2938, of the 30th ultimo and 1st and 2d instant, in relation to the capture of the American schooner *Competitor*, with several persons on board, near San Cayetano, on the north coast of this island, to the westward of Habana, I now have the honor to inclose for the information of the Department a copy, with translation, of the answer of the acting

admiral of this naval station to my communication addressed him on the 30th instant in relation to this affair.

It will be noticed that the acting admiral informs me that the admiral in chief is absent from Habana on a cruise, and that as soon as he returns he will take under consideration and decide upon the several particulars presented in my said communication of the 30th ultimo, with the assurance that no essential determination will be taken in the meantime to the detriment of the rights of the American citizens engaged in this affair.

I am, sir, very respectfully, your obedient servant,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure No. 1, with dispatch No. 2046, Habana, May 5, 1896.—Translation.]

COMMANDANCY-GENERAL OF MARINE AND OF THE SPANISH NAVAL  
STATION OF THE WEST INDIES, OFFICE OF THE GENERAL STAFF,  
*Habana, May 2, 1896.*

SIR: His excellency the commanding general of this station and squadron, to whom the exercise of the marine jurisdiction belongs in this island and that of Puerto Rico, being absent from the seat of government, there is no legal medium present through which to reply, in view of their judicial character, to any of the points to which your respectable official note of the 30th of April last refers.

The said authority having been informed by me of the capture of the schooner said to be called the *Competitor*, I am expecting his immediate return, and as soon as this occurs he will decide upon all the particulars treated of by you, my powers being limited to the inspection of the proceedings which are being carried on, in conformity with the provisions of the law of organization and attributions of the marine courts, and to assure you that in the meantime no essential determination will be taken in detriment to the rights of any citizen of the nation which you so worthily represent.

I have the honor to communicate the above to you in amplification of my communication to you of yesterday.

God guard you many years.

JOSE GOMEZ IMAS,  
*Second in Command of this Naval Station.*

The CONSUL-GENERAL OF THE UNITED STATES OF AMERICA.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, May 6, 1896.

Report by cable upon present status of *Competitor* case. Give names of prisoners claiming to be American citizens.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, May 6, 1896.

Your telegram received. I have seen acting admiral, who tells me the examination of *Competitor* proceedings will be finished to-day and that admiral commanding is expected to arrive to-night, when my communication of the 30th ultimo in which I have asked the names of American citizens and permission to see them will be answered.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 7, 1896.*

I have received 5 o'clock p. m. from admiral commanding the answer to my communication of the 30th in regard to the American citizens captured on *Competitor*. He replies seventh article of the treaty 1795 and the protocol do not apply to them as they are not residents in accordance with law relating to foreigners and they are to be tried by summary court martial. I am preparing answer and protest in accordance with your telegram 2d instant.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 7, 1896.*

*Competitor* case. Informed officially that only one American citizen was taken and is now under arrest. If possible, report by cable, who and where he is, on what charges held and how treated.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 8, 1896.*

*Competitor* case. Did American citizens have fair trial, with opportunity to summon and examine witnesses, and to be defended by counsel of their own selection, and with all other legal guarantees.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 8, 1896.*

I have seen prisoners this morning. Laborde, captain *Competitor*, tells me was born New Orleans and formerly was deputy sheriff Tampa. Was going Lemon City with twenty-four passengers when they seized the vessel by force, putting pistol to his breast, and took command. Off Cape Sable took on board twenty-three men more. William Gildea, mate, born Liverpool, England; Ona Milton, born Kansas.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 8, 1896.*

In case of *Competitor*, trial terminated. Prosecuting officer asks penalty death for all, giving precedence to the local law relating to foreigners over the treaty and the protocol in this case. As the court and authorities here agree on this point, I inform you for such diplomatic action you may deem proper. I am preparing remonstrance Captain-General as the superior delegate of Spain in this island.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 8, 1896.*

*Competitor* American citizens have not had opportunity to summon and examine witnesses and to be defended by counsel of their own selection. For their defense their only counsel at the trial was a Spanish naval officer. Captain-general and admiral both contend that they are not embraced in the treaty because not residents Spanish territory, therefore outlaws, and have been tried for piracy and rebellion, consequently have not had fair trials under the treaty.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 9, 1896.*

Has death sentence been imposed? When is it to be executed? Dupuy claims Milton is the only American citizen. How is it as to Laborde and Gildea?

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 9, 1896.*

Milton undoubtedly is a native-born citizen. Laborde says he was born in New Orleans; Gildea, in England. However, one being master and the other mate of an American vessel entitles them to protection of the United States under paragraph 171 Consular Regulations, based on statutes, and were, therefore, entitled to be tried under seventh article of the treaty and in accordance with fourth article of the protocol, allowing them to name attorneys and advocates with all other mentioned guarantees, instead of which they have only had a naval officer for their defense. Death sentence asked for by prosecutor not yet imposed, but executions twelve hours afterwards is customary.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 9, 1896.*

Have urged upon Spanish Government, through Dupuy and our minister at Madrid, that recent Havana court-martial sentences upon American citizens should not be executed until this Government is satisfied that it ought not to interpose, for which purpose it needs and asks record of proceedings of court, charges, evidence, and should be officially informed what opportunities of defense defendants had through counsel of their own choice, examination and summoning of witnesses, and otherwise. Make same representations and request to governor-general, urging that request of United States, which would be proper



in any case, is specially so in view of the extremely questionable jurisdiction of the court-martial, which can be justified only by a new, strained, technical construction of treaty stipulations and which is contrary to their spirit, to their fair interpretation, and to the intent of the parties at the time they were entered into, as clearly shown by their correspondence.

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*Mr. Rockhill to Mr. Williams.*

No. 1362.]

WASHINGTON, *May 11, 1896.*

SIR: The Department has received your dispatch No. 2940, of the 2d instant, with inclosures, relative to the capture of the American schooner *Competitor*.

I am, etc.,

W. W. ROCKHILL.

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[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 11, 1896.*

Admiral has advised consul-general of Great Britain that Madrid Government has ordered suspension of effects of the *Competitor* proceedings and their transmission to supreme council, Madrid.

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*Mr. Williams to Mr. Rockhill.*

No. 2968.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 11, 1896.*

SIR: I beg to acknowledge the receipt of the Department's telegram of the 9th instant. \* \* \*

In consequence I addressed a communication to the governor and captain-general in the same sense almost word for word.

I am, etc.,

RAMON O. WILLIAMS.

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[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 11, 1896.*

Admiral having adhered to opinion of the judge-advocate making treaty subordinate local law for trial *Competitor* men and having twice rejected my protests against the procedure, I addressed captain-general, on the 8th instant, declining in him, as the superior delegate of the authority of the King of Spain, the responsibility of the consequences, and he has advised me that he has informed Government of His Majesty of my protests; but meantime I learn from good source that the men have been sentenced to death, notwithstanding the proceedings show they were captured without arms in hand.

*Mr. Taylor to Mr. Olney.*

No. 510.]

LEGATION OF THE UNITED STATES,  
*Madrid, May 11, 1896.*

SIR: I have the honor to acknowledge the receipt of your telegram of the 9th instant, as follows:

Make immediate representations to Spanish Government that United States conceives it to be its right and duty to insist that court-martial sentences just imposed at Habana upon American citizens shall not be executed until this Government has opportunity to become satisfied that its interposition is not warranted. To enable it to reach a conclusion in the matter, it should have and now asks record of proceedings of court, charges and evidence, and should know what opportunity defendants had to defend themselves by counsel, of their own choice, and by examination and summoning of witnesses. United States would be entitled to insist upon such request, with the necessary reasonable delay in any case, but is especially so entitled in the present case, where the jurisdiction of the court-martial is extremely doubtful and can be justified only by a new strained technical construction of treaty stipulations, such being contrary to their spirit, to their fair interpretation, and to the intent of the parties at the time they were entered into, as clearly shown by their correspondence. Call particular attention to the words in article 4 of the protocol, "all Spaniards being in the United States," as well as "residing" there. It is inconceivable that residence as a condition to the advantages of protocol was required in one case and not in the other. Ask for an immediate answer to request that execution of court-martial sentences be postponed for reasons and with purposes stated.

I at once obtained an interview with the minister of state, in which I presented to him your telegram, together with the following observations in the way of argument:

In my opinion it is certain that the protocol of 1877 is not limited, upon a reasonable construction, to citizens of the United States residing in Spanish territory, for the conclusive reason that the benefits of American law are extended to all Spaniards "being" in the United States, although they may not be residents there. To dispute that construction is to deny to the protocol mutuality. That point settled, it is certain that, even conceding for the sake of argument that the American citizens in question were taken with arms in their hands, and for that reason triable by a council of war, they are nevertheless entitled to all the benefits of section 4 of the protocol, which reads as follows:

"In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times. They shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles twenty to thirty-one of the said law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper, and they shall be permitted to be present and to make their defense in public trial, orally or in writing, by themselves or by means of their counsel."

My Government has therefore in any case the right to demand an inspection of the record of the proceedings of the council of war in order to determine whether or no the accused have been given all the benefits of section 4 of the protocol.

The minister promptly gave a favorable response to your request, which I reported to you in the following telegram:

Presented your request, with argument, based on terms protocol. Minister of state promptly replied all executive action suspended by order given under promise made me 3d instant. Entire record will be ordered Madrid for review by supreme council war and marine. When there, Government can control record, copy of which will be furnished you for inspection prior to execution in the event supreme council should hold proceedings to have been regular.

The newspapers of this morning say that the review of this case by the supreme council of war and marine will involve a delay of at least two months.

I am, etc.,

HANNIS TAYLOR.

[Telegram.]

*Mr. Olney to Mr. Williams.*

WASHINGTON, *May 11, 1896.*

*Competitor* case. Execution of death sentences upon American citizens suspended pending diplomatic consideration of their rights under treaty and protocol.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 12, 1896.*

Urgent. The afternoon newspapers report that two American citizens, Charles Barnett and William Leavitt, captured on land, forming part of the *Competitor* expedition, are to be tried by ordinary court-martial of the marine jurisdiction. I beg that immediate instruction be given to our legation, Madrid, to ask suspension of the effects of the trial until our Government can be satisfied it is in conformity with the treaty, for I apprehend the condition of the treaty will not be observed.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 13, 1896.*

In reply to my yesterday's communication, asking for the application of the treaty and protocol to the trial, two Americans, *Competitor* crew, and suspension of execution in case of death sentence until I could inform you, Captain-General advises me officially that American citizens are tried according to the treaty between Spain and the United States, and further that no death sentence will be executed without approval of His Majesty's Government.

[Telegram.]

*Mr. Williams to Mr. Olney.*

HABANA, *May 16, 1896.*

I am preparing correspondence relating to the *Competitor* case which is voluminous and important, mostly in Spanish, which I am translating. Can not be transmitted before next week.

*Mr. Williams to Mr. Rockwell.*

No. 2987.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 21, 1896.*

SIR: In continuation of my dispatches in relation to Alfred Laborde, William Gildea, and Ona Melton, captured by a Spanish gunboat on

board the American schooner *Competitor* and tried at 8.30 o'clock of the morning of the 8th instant, at the arsenal of this port by the naval authorities, under the form of procedure known here as the most summary process (juicio sumarísimo), I now have the honor to accompany translations of the correspondence had since the 7th instant between the authorities and this consulate-general on the subject.

The first communication forming part of this correspondence in the order of reference and consideration is that addressed to me on the 7th instant by the admiral of the station. It is made up wholly of the opinion, adverse to my remonstrance, of the judge-advocate to whom my two communications of the 30th ultimo were referred in consultation. It will be seen that the admiral adheres to and approves of this opinion. In it the judge-advocate assumes:

First. That the specification of the charges against these men, that I had asked for in my first communication of the 30th, could be furnished me in reference to the friendly relations existing between the two countries. I must observe, however, that the trial of these men took place within the short time of fifteen hours after this offer, with the night intervening; and, that notwithstanding the men have been tried and condemned to death, that the specific charges have not yet been furnished me for transmission to you.

Second. That with respect to the list of the names of the men, the judge-advocate tells the admiral that there was reason to suppose that Melton was the only American citizen on board. But I must here observe, too, that, as there was reason to believe that Laborde was the master, and Gildea the mate, according to paragraph 171 of the Consular Regulations, based on statute, and the fact of the vessel being American, the flag covered them. In consequence, it became my duty and right to interpose in their favor.

Third. The judge-advocate assumes that neither article 7 of the treaty of the 27th of October, 1795, nor the protocol of 1877, invoked by me, apply to the case in question. Because, as he further assumes, foreigners must be tried by the same courts having cognizance in all affairs of Spanish subjects, in accordance with the local law relating to foreigners of the 4th of July, 1870. And at this point I beg to remark that the judge-advocate subordinates the treaty to the local law instead of giving precedence to the treaty as a part of the supreme law of Spain.

Fourth. He also assumes that whatever interpretation and scope may be given to the treaty and the protocol construing it, that the latter from the beginning embraces only resident American citizens. But against this assumption I beg to state that article 7 of the treaty of 1795 imposes no condition of residence either on Spanish subjects in the United States nor American citizens in the dominions of Spain; for, were it so, then the status of Spanish subject and of American citizen would be taken away from thousands of Spaniards and Americans who visit both countries every year either on business or pleasure, as merchants, manufacturers, tradesmen, travelers, and tourists.

Besides, the protocol can not detract any force from the treaty as understood by the President and Senate of the United States, who have sanctioned it; and not being yet revoked it continues in force as the matrix of the protocol. It is clear, therefore, that the protocol must conform to the treaty and not the treaty to the protocol. But even then, the protocol explicitly mentions, in the declaration of Mr. Cushing, all Spaniards residing or being in the United States, and conversely,

in the sense of article 7, should embrace all Americans either residing or being in the Spanish dominions.

Fifth. The assumption that foreigners must be inscribed at the provincial governments and at their respective consulates in accordance with article 7 of the local law relating to them can not be maintained, for it would be equivalent to depriving them of their rights of nationality and of the protection of their respective Governments, a doctrine that no Government will admit, not even that of the judge-advocate, to whose opinion on these several points the admiral adheres and approves.

Sixth. It is also erroneously assumed by the judge-advocate that the law of the 17th of April, 1821, is derogated by Spanish laws of subsequent enactment—that is to say, that a treaty as an international contract can be derogated by either party at pleasure by local legislation or decretal action—a most dangerous doctrine indeed for the friendly intercourse and peace of nations.

Seventh. The judge-advocate also contends that the jurisprudence established here under the treaty and protocol since 1877, in such cases as that of Rosell, at Santiago de Cuba, Mayolin, at Santa Clara, Sanguily, Aguirre, Carrillo, and Cepero, at Havana, forms no precedent in these cases of Melton, Laborde, and Gildea—that is, that the naval jurisdiction has a distinct and exceptional authority in cases coming under its jurisdiction to that possessed by the military and civil powers by which those other cases were tried.

In reference to the passage on page 2 of the admiral's communication to me of the 9th instant, wherein the judge-advocate calls attention in the sense of amplitude, to the term of ten days having been employed in substantiating and trying this case, I have to say: That the time thus gained for the defense was accidental and not intentional, and was owed entirely to the temporary absence of the admiral in command who was then on a cruise at the eastern end of the island, and that had he been present at the time of the bringing of the men to this port, there are reasons to believe that they would have been tried and sentenced within the next twenty-four hours.

I beg also to observe that during the civil war in the United States it was a very common thing for vessels loaded with arms and munitions of war to leave the ports of Habana and Nassau and land their cargoes in the Southern States; but I know of no case in which parties intercepted and arrested by the Federal authorities were ever deprived of the right to name counsel of their own choice and to be sentenced to death by most summary process, as has been done in this case with the men captured on board the American schooner *Competitor*.

In conclusion, I beg to say that copies are also accompanied of my answer dated the 7th instant, of his reply of the 9th to my said communication; of my communication to the captain-general, dated the 8th, and also that of the 9th, to the admiral, in answer to his of the same date; the admiral's reply, also a note from the governor-general acknowledging receipt of my communication of the 8th, above referred to. Likewise, copies of correspondence had with the British consul-general relative to William Gildea; Mr. Laborde's statement signed besides by Melton and Gildea; letter dated the 2d, received on the 7th from Ona Melton; another one of same date from William Gildea, and a third letter signed jointly by the three prisoners under date of the 7th instant.

I am, &c.,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure 1 with No. 2987.—Translation.]

COMMANDER-GENERAL OF MARINE OF THE NAVAL STATION  
AND SQUADRON OF THE WEST INDIES,  
Habana, May 7, 1886.

SIR: Your official letter and note of the 30th ultimo having been referred in consultation to the judge-advocate of this naval station, this counsellor reports as follows:

"EXCELLENCY: Under date of the 30th of April last the consul-general of the United States in this capital addressed your excellency the two preceding communications passed to me for examination and report accompanied with the proceedings of the case. In the first of those communications, starting from the supposition that the schooner *Competitor* and the persons captured on board might be Americans, and not having exact information respecting the charges and accusations justifying their submission to the naval courts of this island, and in accord, as he alleges, with the instructions of his Government, he asks your excellency to have the goodness to inform him as soon as may be possible of the specific charges brought against the said schooner and citizens, with the names of the latter, for the purpose of transmitting them at once to his Government.

"Respecting the first part of this consular petition it is the opinion of the undersigned, in view of the good desires always animating and inspiring your excellency when treating of matters that may in some manner directly or indirectly affect a friendly nation with which the best relations are maintained, that your excellency can at once manifest to the consul-general of the United States that, in effect, this naval jurisdiction is now occupied in trying the case of the capture of a schooner hailing from the port of Key West, whose certificate of inscription and sailing license agree as to her name being that of *Competitor*, or the same one which, refusing to show any flag, made armed resistance to a vessel of war of our nation and landed a cargo of arms, ammunition, explosives, and other effects belonging to a filibuster expedition, under command of the so-called Colonel Monzon; the same that he conveyed from the coast of Florida to Berracos Cove, where the schooner was discharged when discovered. It is evident that the accusations and charges springing from this fact will be formulated according to regular rules and within the time fixed by our code of criminal procedure, it being, therefore, impossible to anticipate the specification desired by the consul. But if agreeable to your excellency he could be assured that at the proper time he will be informed of all the details he desires to know of the case.

"With respect to the list of the names of the men captured that might be supposed to be American citizens, there appears no reason up to the present to suppose there is any other than Olna Milton of that nationality, who declares he is a native of Kansas, 23 years of age, single, newspaper reporter, son of Daniel and Nancy, and resident of Key West. On reaching this point I am pleased to call the attention of your excellency to the contradiction in which the consul appears to incur when, after giving the assurance in the first cited paragraph of his estimable communication to the effect that he had no exact information regarding the case, on continuing he asks that the men who might perhaps appear to be American citizens be tried in strict accord to Article VII of the treaty of the 27th of October, 1795, but of whose names and circumstances he then knew nothing.

"Neither the Article VII invoked by the consul nor the interpretation given it by the protocol signed at Madrid the 12th of January, 1877, apply to this case, because of the following reasons:

"First. Because foreigners without distinction of nationality are subject to the laws and courts of Spain for crimes committed within Spanish territory, and as such foreigners do not enjoy any special right or privilege, being subject to the same courts that have cognizance of the affairs of Spaniards in conformity of articles 41 to 47 of the law relating to foreigners in the ultramarine provinces of the 4th of July, 1870.

"Second. Because whatever may be the interpretation and scope that may be given to the treaty and its meaning given by the protocol, this from its beginning declares it only embraces resident American citizens, and these only in the case of not being arrested with arms in hand, circumstances that do not concur in the present case.

"Article VII of the said law relating to foreigners exacts, among other requisites for a foreigner to be considered a resident in the colonies (ultramar), that he must be inscribed in the register which to that effect is kept in the superior civil governments and in the consulates of his nation.

"And lastly, because the law of the 7th of April, 1821, mentioned in the protocol and invoked by the consul in its relation to the procedure that was fixed in the articles 20 to 31 of the said law and in the fourth and fifth declarations of the protocol

are totally derogated under the final enactment of the present law governing criminal procedure, by article 750 of the code of military justice and by article 472 of the law of military marine procedure.

"The jurisprudence to which the consul refers in his communication and alleges to be established by the civil and military courts of this island has been limited to the competency of the courts and not the rules, forms, requisites, and solemnities of the methods of procedure observed by them.

"Finally, excellency, you should not receive nor accept in any form the protest addressed to you by the consul of the United States in the name of his Government against the application of most summary proceedings (*juicio sumarísimo*) to those who in the case might be American citizens because he considers that form of procedure excluded from the protocol and, because in his opinion, it is not the ordinary council of war mentioned in Article III of the protocol.

"This is an error of law in which the consul incurs, the correction of which he will find if, in his recognized ability, he will revise the latest organic law relating to the procedure of marine courts.

"In conclusion I am going to refer to the second communication of the consul-general of the United States, referring to his desire to communicate with the prisoners. The prohibition of outside intercourse to which they were subjected having been removed, your excellency can grant the petition.

"In the above sense it is understood by the undersigned that your excellency can be pleased to reply to the consul-general of the United States should you not esteem it better to decide otherwise. Moreover, I have to say, that the official correspondence that had given rise to this consultation, as also the superior decree your excellency may have given it, should be passed to the judge of instruction encharged with the examination of the case for their attachment to the proceedings. Your excellency will decide."

And having accepted the preceding report I have the honor to so inform you in reply to your above-cited esteemed communication.

I am, etc.,

JOSE NAVARRO Y FERNANDEZ.

The CONSUL-GENERAL OF THE UNITED STATES.

[Inclosure 2 with No. 2887.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 7, 1886.

*His Excellency the Admiral in Command of this Naval Station and Squadron.*

EXCELLENCY: I have the honor to reply to your attentive communication of this date, received at this 5 p. m., and to protest at once against the narrow and antagonistic sense with which it considers the treaties and conventions existing between the United States and Spain. And being especially instructed by my Government in the present case, I must insist to the point of obtainment—that the citizens of the United States are to be judged by the courts of this country, in conformity with the treaty, notwithstanding the opinion of the judge-advocate of this naval station, and to which your excellency has officially adhered with transmission of a copy of it to me.

I can never, as the representative of the United States in this island, lend assent to the trial of my countrymen by the exceptional tribunal called by the name of the *most summary process* (*juicio sumarísimo*), because such form of trial is contrary to what has been agreed and ratified in the treaty of 1795 and the protocol of 1877 between our respective nations, and its application would constitute a most flagrant violation. Therefore I trust to be able to convince your excellency of the error in which his honor the judge-advocate has incurred on submitting his opinion to your excellency, for the point in dispute is of the clearest nature.

Your excellency, by accepting the opinion of the judge-advocate, affirms that article 7 of the treaty of 1795, as likewise the protocol of 1877, for several stated reasons, do not apply to the present case, and which I will now proceed to refute, interpreting in the following manner, with all fidelity, the intent of my Government, which has been duly communicated to me.

First. It is not absolutely exact with respect to citizens of the United States, the affirmation of your excellency that they, in their character of foreigners, must be subject for crimes of which they are accused within Spanish territory to all the laws and tribunals of Spain, neither that they are not exempt from the tribunals which in certain cases have cognizance in the affairs of Spaniards, notwithstanding the prescriptions of articles 41 and 47 of the said law relating to foreigners, which your excellency mentions. And it is not exact because there are exceptions guaranteed by existing treaties to American citizens. And, indeed, the present case is a typical

example of this statement, treating as it does of citizens of the United States accused of acts against the integrity of Spanish territory; for article 7 of the treaty of 1795 provides that the detention or arrest for offenses committed by citizens of the United States within the jurisdiction of Spain shall be "made and prosecuted by order and authority of law only and according to ordinary proceedings in such cases" (segun los tramites ordinarios en tales casos).

But notwithstanding the clearness of the object, doubts arose as to the preciseness of its meaning, and the Governments of the United States and Spain agreed upon an interpretation and reduced it to a formal understanding under what is now known as the protocol of 1877, the third article of which textually says:

"Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but even in this case the accused shall enjoy for their defense the guaranties embodied in the aforesaid law of 1821."

And article 4 confirms article 3 in all its parts. And it will therefore be seen how the opinion, approved by your excellency, of the judge-advocate is mistaken. For Spanish subjects trial by most summary process may be in order under certain circumstances, but never for citizens of the United States. Exceptional tribunals may try the first, but never the second. Neither the laws nor the judges of exceptional councils of war have application within the dominions of Spain to citizens of the United States.

If American citizens are captured in those dominions with arms in hand, they are to be judged solely in accordance with article 3 of the protocol, which in that sense interprets authentically the treaty of 1795, and as that article refers to the second of the law of the 17th of April, 1821, this last article is therefore the one of immediate application. That second article of the law of the 21st of April, 1821, says:

"The accused will be tried militarily in ordinary council of war, as prescribed in the law 8, title 17, book 12, of the last recompilation."

There exists, therefore, an absolute conformity between the treaty of 1795, the protocol of 1877, and the law of 1821, for they all agree that the citizens of the United States captured with arms in hand in Spanish territory can not ever be tried by *most summary process* but by ordinary council of war.

My Government can not, therefore, consent that its citizens be tried under any other form of procedure than that expressed in the treaty, and to which it strictly adheres.

The second manifest error contained in the communication of your excellency is that which approves the part of the opinion of his honor the judge-advocate by which he affirms that the stipulations of the treaty of 1795 and protocol of 1877 embrace only American citizens residents of Spanish territory. But this error disappears at once when it is shown that the treaty does not distinguish between American citizens residing or being in Spanish territory. Article 7 embraces all American citizens without difference of any kind. Again, if there was any doubt on this point it would be dispelled by the protocol of 1877, for it is not to be supposed that in a treaty between two nations the one would put its citizens or subjects in a disadvantageous position with respect to those of the other; to the contrary both themselves on an equal footing. For article 4 of the protocol, on referring to Spanish subjects in the United States, reads as follows:

"The said provisions extend to and comprehend all Spaniards residing or being in the United States."

Therefore, if the protocol comprehends all Spanish subjects residing or being in the United States, it must equally comprehend all American citizens residing or being in the dominions of Spain; the Spanish equivalent of the English word being is *estante*, as used in the translation, and signifies in this case the temporary occupation by a person of a place or spot regardless of permanent residence in the sense of domiciliation. These American citizens are in a Spanish dominion, where they are to be subjected to judicial trial, and necessarily this must be done in accordance with the form of procedure solemnly agreed upon in treaties between Spain and the United States. The theory advanced by the judge-advocate, and admitted by your excellency, places these American citizens on an inferior plane of justice to Spanish subjects in the United States, for if the words used in the protocol by the minister of Spain for foreign affairs, Mr. Calderon Collantes, that "the said provisions extend to and comprehend all Spaniards residing or being in the United States," are limited solely to Spanish subjects, the protocol would then favor one of the contracting parties to the prejudice of the other, and this is impossible to suppose since article 7 of the treaty of 1795, interpreted by the protocol, makes no distinction between those American citizens who reside and those being within the dominion of Spain, but comprehend all alike, and where the law makes no distinction the judicial authorities can not create them.

Third. According to your excellency only such foreigners as are inscribed in the registers determined by the Spanish law relating to foreigners can be considered as



entitled to treaty stipulations. My Government does not admit any such interpretation, for, above all, it is the only one competent to qualify its citizens and to recognize or reject them, as every Government with its own, for the law mentioned by your excellency as relating to foreigners is merely a local police regulation of interior application and can not derogate a treaty of Spain with another nation. Otherwise the nationality of foreigners entering the territories of Spain would depend upon its laws relating to foreigners; and to convince your excellency that my Government does not recognize this assumption, I have the honor to copy, in continuation, the following words in which in a like case it instructed me, and to which I must adhere:

"That while it may be expected that citizens of the United States sojourning in a foreign State shall comply with reasonable local requirements of registration, omission to do so can not vitiate their right to protection as citizens of their own Government in case of need. That citizenship is a fact of which the citizen's country is the authoritative judge under its own laws regarding naturalization and nationality; and that its certification of that fact by passport imparts a verity which the foreign Governments are bound *prima facie* to admit in executing any treaty obligations with regard to such citizens."

Having acquainted your excellency with this view of my Government, it does not become me to add a word more on this point, leaving the rest to the consideration of your excellency.

Fourth. The communication of your excellency which I have the honor to answer maintains, besides, another point which in the name of my Government I must absolutely reject, and which point is expressed in the said communication under exaggerated proportions, and is that the law of the 17th of April, 1821, which fixes the form of procedure, and that the fourth and fifth articles of the protocol are now totally abrogated by the Spanish law regulating criminal procedure, by the code of military justice and that of naval procedure, to which your excellency adds that the jurisprudence established by the civil and military courts of this island in similar cases since 1877 is limited solely to questions of competency between those courts, without respect to the rules, requisites, and solemnities of procedure.

The first thing that contradicts these observations of your excellency is the protocol itself, which in its preamble says:

"The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, etc."

It is patent, therefore, that the purpose of the protocol is to interpret and fix the form of procedure, as also to determine the jurisdiction of the courts. And it is not abrogated, neither is the law of April, 1821, in its application to the treaty relations between the United States and Spain, for it is a principal of international law which from universal consent has acquired axiomatic force, that treaties subsist so long as they are not denounced and revoked by the contracting parties, and if one of them violates them the other has the right to exact their strict fulfillment.

Therefore, the treaty of 1795 interpreted in its doubts by the protocol of 1877, is in force and constitutes the international law voluntarily agreed upon by the United States and Spain. Both nations recognize and invoke it as the supreme law that obligates them unto each other in the regulation of their intercourse and in the settlement of their differences. For that treaty and its protocol agree upon the only form of procedure to be applied in the trial of American citizens either being or residing in the dominions of Spain, and the form incorporated in the protocol is the same as that above cited, of April, 1821, and provides that such citizens as are captured with arms in hand are to be tried by ordinary council of war.

The treaty still existing, the protocol must naturally be contained in it. Therefore, as a logical consequence, your excellency must admit that neither article 7 of the treaty, the protocol, nor the law of 1821 are abrogated, but subsist and must last so long as the treaty is not abolished by the consent of both contracting parties.

The local special laws cited by your excellency only refer to Spanish subjects within Spanish territory, and can not be applied under the treaty to American citizens. To that end the consent of the Government of the United States would be necessary, and, without previous denunciation and revocation of the treaty, it continues in force, and local laws passed since its date by either Government can only affect the citizens or subjects of such Government and not those of the other, since a treaty forms a part of the supreme law of every country. These, without the common assent of the contracting parties, prevail at all times without in any manner being affected by the laws made by any one of the contracting parties without the knowledge of the other or others.

The treaty subject of this note is an international law, and those cited by your excellency are solely national or local; that is, exclusively obligatory on Spanish subjects, but in no way applicable to foreigners when opposed to the treaties existing between their Governments and Spain.

Fifth. Hence the form of trial called *most summary process* (*juicio sumarísimo*)

which your excellency has decided to apply to these American citizens completely violates the treaty in force between the United States and Spain, for it provides for a form diametrically opposed.

Sixth. And with respect to the rejection by your excellency of the protest I have presented you in the name of my Government against the violation of the treaty, it suffices for me to say that notwithstanding its rejection and the adherence of your excellency to the contrary opinion of the judge-advocate, still this can not deprive it of its legal effects, since I have presented it in due season.

Seventh. And, finally, as in support of the *most summary process*, which, as your excellency informs me, is to be applied to the trial of these American citizens, you cite certain laws that are of merely national or local enactment, I have, in consequence, to again remind your excellency that the case in question is governed by the treaty, and, therefore, not by the local law of Spain, which should conform to the treaty as a part of the supreme law of Spain. Consequently, the trial of these American citizens under the form of *most summary process* is a violation of article 7 of the treaty of 1795 between the United States and Spain.

Therefore, and in the name of my Government, I have to ratify my previous protest presented to your excellency against the form of trial to which those American citizens have been subjected, and hereby solemnly renew it, protesting against this form of trial as a manifest violation of the said treaty between the United States and Spain.

I avail myself of this occasion to reiterate to your excellency the assurances of my most distinguished consideration.

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure 3 in No. 2987.—Translation.]

COMMANDANCY-GENERAL OF MARINE OF THE NAVAL STATION  
AND SQUADRON OF THE WEST INDIES,  
*Habana, May 9, 1896.*

SIR: Your esteemed communication of the 7th instant, in which you answer mine of the same date, having been received, I have now the honor to inform you that having referred it in consultation to the judge-advocate of this naval station, he reports upon it as follows:

"EXCELLENCY: In obedience to your above superior decree, the undersigned has studied with the greatest care the esteemed communication addressed you by the consul-general of the United States of America in this capital, on the margin of which your decree is placed.

"The latest communication of the consul is a petition against the answer given him by your excellency to his remonstrance of the 30th of April last. The consul has strengthened his first arguments with the skillful resource of better diction and without mention of legal provision. I comply, on my part, by duplicating the reasons and arguments of my previous report, which, with the greatest respect, are now reproduced. If the present case, as the consul-general of the United States affirms, is typical of Article VII of the treaty of 1795, it is not possible, without incurring in a grave misconception of fact and of law, to maintain that the American citizen, Ona Melton, who is the only one that could in any manner profit by the efforts of the consul, has not been prosecuted by order and authority of law only, and according to the regular course of proceeding. Such is the estimation given to the proceeding had within the unquestionable competency of the marine courts in a case in which no precept of law of procedure of this Department has been omitted, and in the substantiation of which a period of ten days has been employed, notwithstanding the method of *most summary process* (*juicio sumarísimo*) has been utilized, which is not the exception tribunal capriciously believed, and to which the consular communication now the object of my attention alludes.

"I repeat, there is a remarkable misconception of law in considering that the form of most summary process excludes the ordinary council of war and is opposed to the employment of the most ample and efficient means of defense by the parties accused, the sole object of the most summary process being to gain time (*conseguir la mayor brevidad*) in the different stages of procedure, simplifying some labors or proceedings of little importance. On a former occasion, when treating of the same case, I was enabled to convince your excellency that charges for certain kinds of crimes are triable by the ordinary most summary process, whose proceedings are equally applicable to natives and foreigners, and, of course, to citizens of the United States, as much in those cases coming under the military, naval, or civil jurisdictions. It is therefore beyond all doubt Melton and his companions have been tried in the ordinary way in such cases as come under the cognizance of the most summary process.

"It is not necessary to insist on the point of residence or stay as determinative of

the competency, which neither the accused, the consul, nor directly the Government of the United States has discussed, because not being the only cause of it.

"To the argument presented on that point, it suffices to say that the declarations of the protocol of 1877 were in no manner reciprocal, but, to the contrary, each one of the signers made his own separately and upon distinct subjects as could not less than incur in view of the nature of the matters treated about and the special legislation of the respective countries. The protocol of the 12th of January, 1877, is not a treaty negotiated between two nations, nor even an addition nor complement of any preexisting treaty. It is only and exclusively what its preamble says: the result of a conference held with the desire to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and communicated for its observance by a royal order. Therefore, the citation of international law about the revocation and denunciation of treaties is needless. Consequently, there being no violation in any shape or manner of the treaty solemnly agreed upon between Spain and the United States of the 27th of October of 1795, it is plain that within the terms of the most exquisite courtesy it is impossible for your excellency to accept any of the protests of the consul of that friendly nation in this city."

And with the approval of the above report I have the honor to transmit you a copy of the same, and avail myself of the opportunity to reiterate to you the assurances of my most distinguished consideration.

JOSE NAVARRO FERNANDEZ.

The CONSUL-GENERAL OF THE UNITED STATES.

[Inclosure 4 in No. 2967.]

URGENT.]

CONSULATE-GENERAL OF THE UNITED STATES,  
Habana, May 8, 1896.

*His Excellency the Governor and Captain-General of the Island of Cuba.*

EXCELLENCY: Yesterday, at 5 p. m., his excellency the admiral of the naval station has replied to a communication addressed him on the 30th ultimo by this consulate general in which, by reason of the capture of the American schooner *Competitor*, with several persons on board, I reminded him of the treaty obligations which absolutely prohibit, without exception in any case, the trial of American citizens within Spanish territory by exceptional military tribunals, such as are here called by the name of most summary process.

I explicitly informed his excellency the admiral that on addressing him I did so in obedience to the orders of my Government, which exacts the strict fulfillment of its treaties with Spain; and at the end of seven days and at 5 o'clock in the afternoon of yesterday I received his answer, denying my affirmation and maintaining that the provisions of the treaty of 1795 between the United States and Spain have been abrogated by national or local laws subsequently enacted to the date of that treaty by the Government of Spain.

And I am just informed by the morning newspapers that the trial is to take place this same morning at 8 o'clock under the form of procedure known here as the most summary process, or fifteen hours after the receipt of the admiral's communication in reply to the one which, in the name of my Government, I personally delivered to the second in command on the 30th ultimo.

But, excellency, notwithstanding his excellency the admiral denies it, still the fact exists that the only criminal procedure under which citizens of the United States can be tried in the dominions of Spain is that designated in the treaty of 1795 and the protocol of 1877 construing it, under conformity to the procedure established by the law of the 17th of April, 1821.

All the existing treaty obligations, between the United States and Spain having application to the case in question prohibit absolutely the trial of American citizens within the Spanish dominions under the procedure known as most summary process. The treaty from which these obligations emanate has never been revoked, and therefore still exists.

In the same afternoon (of yesterday) I replied to the erroneous communication of his excellency the admiral, protesting, in the name of my Government, against the trial by the form of most summary process in case it should be carried out, against the existing treaty.

My Government can not consent to any other form of trial for its citizens within the Spanish dominions than those so clearly established in the treaty of 1795. They may by force be tried by the most summary process; but, then on my part, I must decline all the responsibility that may in consequence accrue from such flagrant violation of the treaty. My last communication to his excellency the admiral refutes and destroys all the errors in which his is inspired.

But as the persons accused, Ona Melton, Alfred Laborde are, as they inform me, American citizens, Laborde a native of New Orleans, Melton of Kansas; and Gildea, though of British nativity, the mate of an American vessel; and as article 5 of the protocol textually says "the sentence pronounced shall be referred to the audiencia of the judicial district, or to the captain-general, according as the trial may have taken place before the ordinary judge or before the council of war," I have therefore, within the instructions of my Government, yet in time, to address myself to your excellency, as you have to pass on the sentence of this most summary process, to see that justice is done to these American citizens, and to annul the whole proceedings because having been practiced throughout in manner contrary to the treaty between the United States and Spain.

Your excellency being the superior representative in this island of the Government of His Majesty, and my legal and just demand having been rejected by the admiral, and as the sentence in the case, whatever it may be, has in last instance to be submitted to the approval or disapproval of your excellency, I have therefore to beg your excellency to order the delivery to you of my communication of the 30th ultimo and 7th instant, addressed to his excellency the admiral with the view that your excellency may personally examine the reasons and arguments therein stated.

Should your excellency refuse to accede to my petition addressed to you in the preceding paragraph, in the name of my Government, I then most solemnly protest in its name before your excellency against the violation of the treaty on the part of the Government of Spain, which your excellency so worthily represents in this island, giving account of the act to my Government and of my remonstrance and protests presented to the naval authorities and to the superior authority of your excellency, before which in last instance the sentence must come, from a court incompetent under the treaty to take judicial cognizance in the affairs of American citizens in this island.

I have the honor to subscribe myself, with the greatest respect and consideration, your excellency's most obedient servant,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure No. 5 in No. 2287.]

CONSULATE-GENERAL OF THE UNITED STATES,  
*Habana, May 9, 1896.*

*His Excellency, the Admiral of this Naval Station and Squadron.*

EXCELLENCY: In reply to your attentive communication of this date I have to say:

First. That the officers and crew of an American vessel enjoy, under the laws of any country, regardless of their nativity, the protection due to American citizens, and Laborde and Gildea, having assured me that they are master and mate, respectively, of the American schooner *Competitor*, it is therefore clear that they are embraced in the clauses of the treaties between the United States and Spain, and as to Melton, he being a native-born American, there can not be any doubt about his status and rights.

Second. The accused have been deprived of their right to name advocate and solicitor of their own choice for their defense and to freely communicate with them; neither have they been furnished with a copy of the accusation and with a list of the witnesses of the prosecution, or allowed to examine them in the presence of themselves and attorney and advocate, nor to summon witnesses in their favor; in a word, none of the provisions of article 4 of the protocol have been practiced in their behalf, and instead of a professional lawyer of their own choice a naval officer, as I understand, has been designated for their defense.

Third. The protocol of 1877 not only confirms the treaty of 1795, but is its most authentic interpretation.

Fourth. The difference between the form of procedure known as *most summary process* and the stipulated ordinary council of war, constitutes an exceptional tribunal of the kind expressly excluded by the protocol, the ordinary council of war admitted in the protocol being that which is defined in article 2 of the law of the 17th of April, 1821.

Fifth. The statement that the signers of the protocol only expressed their private opinions therein is not correct; to the contrary, they together, and in common, and in the representation of the two countries, agreed upon that plan for the removal of all doubts and obscurities that had until then existed as to the methods of judicial procedure to be observed in the prosecution of American citizens within the dominions of Spain.

Consequently I ratify my previous protests, and, in the name of my Government, decline in your excellency and in his excellency the captain-general of this island,

the competency, which neither the accused, the consul, nor direct  
of the United States has discussed, because not being the only  
“To the argument presented on that point, it suffices to say  
of the protocol of 1877 were in no manner reciprocal, but,  
of the signers made his own separately and upon distinct  
than incur in view of the nature of the matters treated  
lation of the respective countries. The protocol of th  
a treaty negotiated between two nations, nor even  
any preexisting treaty. It is only and exclusiv  
result of a conference held with the desire to ter  
to the effect of existing treaties in certain mat  
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WILLIAMS,  
Consul-General.

AL STATION  
E WEST INDIES,  
Habana, 9 May, 1896.

The CONSUL-GENERAL OF

[URGENT.]

His Excellency

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The CONSUL-GENERAL OF THE UNITED STATES.

JOSE NAVARRO Y FERNANDEZ.

[Inclosure 7 in No. 2987.—Translation.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
OFFICE OF THE SECRETARY,  
Habana, May 9, 1896.

Sir: In reply to your attentive communication of yesterday, protesting in the name  
of the Government of your nation against the court-martial being held by the com-  
mandancy-general of the navy for the trial of the prisoners of the schooner *Competi-*  
*tor*, La Barde, Melton, and another, I have the honor to inform you, by order of his  
excellency the Governor-General, that knowledge of the said protest has been given  
to the Government of His Majesty.  
I am, etc.,

The CONSUL-GENERAL OF THE UNITED STATES.

EL MARQUES DE PALMEROLA.

[Inclosure 8 in No. 2987.]

BRITISH CONSULATE-GENERAL,  
Habana, May 8, 1896.

MY DEAR COLLEAGUE: I have just heard that one of the *Competitor's* crew (who  
are to be tried to-day) is a British subject named Gildea. Now, I am not at all sure  
that in a case of this kind, consular interference will be of any avail; but at all events,  
as I understand the *Competitor* is an American vessel, it appears to me that you alone  
are competent to intervene. If, therefore, you find yourself in a position to give any  
assistance to your own people, might I beg of you to extend the same valuable aid to  
my poor countryman?

Believe me, dear Mr. Williams, yours, very sincerely,

RAMON O. WILLIAMS, Esq.,  
United States Consul-General.

ALEX. GOLLAN.

[Inclosure 9 in No. 2987.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 8, 1896.

AGUE: In reply to your note of this morning, I am pleased to  
cluded William Gildea, a native of Liverpool, England, but the  
schooner *Competitor*, in my petitions to the captain-general  
American prisoners of the *Competitor* be tried in accordance  
ty between the United States and Spain of 1795, and the  
7, construing it.

RAMON O WILLIAMS.

Consul-General, Habana.

[Inclosure 10 in No. 2987.]

BRITISH CONSULATE-GENERAL,  
Habana, May 11, 1896.

COLLEAGUE: I have to thank you for your note of the 8th instant. I  
sure in writing to you on behalf of my countryman, William Gildea, that  
and count upon all the assistance in your power.

It will probably be of interest to you to know what action I myself took in regard  
to the matter. On Friday, the 8th instant, as soon as I heard that the public prose-  
cutor had demanded that the extreme penalty of death should be applied to the pris-  
oners, and was likely to be enforced forth with, I addressed official communications both  
to the Governor-General and admiral requesting that if this was the decision arrived  
at, its execution should be suspended until I had the opportunity of communicating  
the facts by telegraph to Her Britannic Majesty's secretary of state for foreign  
affairs. On the following morning, on the 9th, the admiral sent me a courteous reply  
stating that it was true the "consejo" had agreed to a death sentence, but that in  
deference to my wishes he had telegraphed to his Government at Madrid. Last  
night I received a further communication from the admiral in which he states:

"El Gobierno de S. M. la Reina Regente (q. D. g.) ha dispuesto suspender los  
efectos del consejo de guerra celebrado en el arsenal con motivo del apresamiento  
de la goleta filibustera *Competitor* y la remision de la causa al consejo supremo."

Believe me, etc.,

ALEX. GOLLAN.

RAMON O. WILLIAMS, Esq.

[Inclosure 11 in No. 2987.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 11, 1896.

MY DEAR COLLEAGUE: I have to acknowledge the receipt of your note of to-day,  
with many thanks for the interesting information therein conveyed.

Sincerely, yours,

RAMON O. WILLIAMS.

ALEX. GOLLAN, Esq.,  
Her Britannic Majesty's Consul-General, Habana.

[Inclosure No. 12 in No. 2987.]

BRITISH CONSULATE-GENERAL,  
Habana, May 11, 1896.

MY DEAR COLLEAGUE: In a telegram which I received last evening from our for-  
eign office regarding Gildea, I am informed that the newspapers had reported the  
man to have become a naturalized American citizen. Will you kindly inform me if  
such is the case?

Yours, etc.,

ALEX GOLLAN.

RAMON O. WILLIAMS, Esq.,  
United States Consul-General.

[Inclosure 13 in No. 2967.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 12, 1896.

My DEAR COLLEAGUE: In reply to your note of the 11th instant, just received, I have to state that I have no information whatever as to the report that William Gildea is a naturalized citizen of the United States. He told me at the prison that he was an Englishman and a native of Liverpool. He did not claim American citizenship, but as one of the crew (he had engaged as mate) of the American schooner *Competitor* it became my consular duty to defend him under paragraph 171 of Consular Regulations, based on statutes, which states:

"That the circumstance that the vessel is American is evidence that the crew on board are such, and that in every regularly documented vessel the crew will find their protection in the flag that covers them."

And as the *Competitor* was such a regularly documented vessel, Gildea was entitled to the protection of the United States Government, regardless of whatever rights he may have as a native-born British subject.

I am, etc.,

RAMON O. WILLIAMS.

ALEX. GOLLAN, Esq.,  
*Her Britannic Majesty's Consul-General, Habana.*

[Inclosure 14 with No. 2967.]

ARSENAL OR NAVY-YARD, Habana, May 8, 1896.

My name is Alfredo Laborde; I am 38 years of age; I am a native of New Orleans, La.; I was the captain or master of the American schooner *Competitor*, belonging to Mr. Joseph Well, of Key West. This vessel had a license, a wrecking license, and I cleared her at the Key West custom-house, with four others besides myself as crew; five all told. I took on board twenty-four men as passengers for Lemon City, Fla., at \$2 each, and sailed from Key West at 2 o'clock in the morning. When in the neighborhood of Cape Sable, on the 22d ultimo, the passengers took charge of the ship, seized her, and six of them came into my cabin to make me surrender the ship. One of them, named Taboada, held a pistol to my breast and I gave up the command. They then took the schooner to Cape Sable and here took on board twenty-three men with arms and munitions. They then informed me that from Cape Sable to Rebecca Light they expected to meet a steamer with more men and arms for Cuba, but when we arrived off Rebecca Light I told them that the schooner could not go into the Gulf on account of her bad condition, but Taboada, who acted as pilot, told me to shut up, and overpowered my objections.

We reached Cuba, near Berracos, San Cayetano, on Saturday, the 25th April, and immediately landed. They forced me to go in the first boat with one of the crew and 19 men; all landed and escaped. I went back on board with the boat and another lot landed. We were sighted by a Spanish tug or steam launch. I ordered the American flag to be set, but the mate, Mr. William Gildea, who tried to set it, found the halliards foul, and as he was shot at twice he threw it down. I held the flag against the rigging so that it should be seen. Not a shot was fired from the schooner, for we had no arms; the passengers had arms and, we understood, also dynamite. We made no efforts to escape with the passengers, because we had been forced, and therefore we determined to stay by the ship; then we were seized or captured by the Spanish launch.

They put me into what is called a Spanish windlass, by tying my wrists together and then drawing the rope tight by a stick thrust through, which caused me great torture and made my wrists swell.

I know nothing of a proclamation signed Laborde; there was another Laborde among the passengers, taller than I and about 32 years old, who spoke French well. All our papers, letters, etc., were taken away by our captors and we have none to show.

ALFREDO LABORDE.

We have heard the foregoing statement read, and do also subscribe and depose to the same, Ona Melton declaring further that as a newspaper correspondent he ought not to be considered as part of the crew.

ONA MELTON.  
WM. GILDEA.

Witness:

JOSEPH A. SPRINGER, *Vice-Consul-General.*

Subscribed and sworn to before me at the arsenal, Habana, at 7.30 a. m. this 8th May, 1896.

Witness my hand and official seal.

RAMON O. WILLIAMS, *Consul-General.*

[Inclosure 15 in No. 2987.]

HABANA NAVAL PRISON,  
May 2, 1896. (Received May 7.)

DEAR SIR: I wish to know if you are aware that three American citizens have been imprisoned here for some time. If so, please inform me immediately.

Relying on your wisdom and integrity, as well as the high esteem with which you are held in the United States, I await your advice.

Most respectfully,

ONA MELTON.

Mr. WILLIAMS.

[Inclosure No. 16 in No. 2987.]

SATURDAY, May 2, 1896.

SIR: I belong to the schooner *Competitor*, captured last Saturday by the man-of-war launch *Mensagera*, and I am accused of landing men and arms in Berracos opening. I would request you to see if anything could be done to help me out of the fix we are in. I can't say more, but would explain fully if I could see you.

Yours, etc.,

WM. GILDEA.

The UNITED STATES CONSUL, *Habana*.

[Inclosure 17 in No. 2987.]

HABANA, May 7, 1896.

DEAR SIR: We, the undersigned, the captain and the mate of the schooner *Competitor*, of Key West, and a correspondent of the Times-Union, of Jacksonville, Fla., citizens of the United States, who have been imprisoned here for some time, as you are probably aware, are to be tried at some hour to-morrow before the "Consejo de guerra."

Being informed this evening that we might write to you, we approve of the opportunity to respectfully urge that you attend our court-martial in person, or, if it is not possible, that you exert your best efforts in our behalf to the end that we may receive justice.

Respectfully, yours,

CAPTAIN ALFREDO LABORDE.  
WILLIAM GILDEA.  
ONA MELTON.

CONSUL OF THE UNITED STATES.

*Mr. Williams to Mr. Rockhill.*

No. 2988.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 21, 1896.*

SIR: I beg to inform you that having sent Mr. Sanchez Dotz, the deputy consul-general, this morning to visit Laborde, Gildea, Melton, Barnet, and Leavitt, of the *Competitor* expedition, and now held in custody at Fortress Cabanas, he reports to me that he found all the men well; that they stated they were well treated and have no complaint on this score. William Leavitt, a seaman, says that he is a native of Bangor, Me., and Charles Barnet, steward, that he is a native of Staffordshire, England.

From their report it appears that these two were captured while asleep on a farm about 8 miles from "La Palma," a village near San Cayetano, on the northwest coast of Cuba.

I am, etc.,

RAMON O. WILLIAMS.



*Mr. Williams to Mr. Rockhill.*

No. 2996.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 23, 1896.*

SIR: With reference to my dispatch, No. 2988, of the 21st instant, relative to Charles Barnet and William Leavitt, seamen supposed to belong to the crew of the American schooner *Competitor* and who were captured on land, I now beg to inclose the copies of the correspondence had with the Governor-General and the admiral of the naval station regarding same.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure in No. 2996.]

*Mr. Williams to Governor-General of Cuba.*

CONSULATE-GENERAL OF THE UNITED STATES,  
*Habana, May 12, 1896.*

EXCELLENCY: Being informed by the newspapers of this afternoon that two American citizens, named Charles Barnet and William Leavitt, who are supposed to belong to the expedition of the American schooner *Competitor*, have been captured on land, and that they are to be tried by the marine jurisdiction, I have to apply to your excellency, as the superior representative and delegate of the Government of His Majesty the King of Spain, to ask in the name of my Government—

First. For the strict observance of article 7 of the treaty of 1795, interpreted by both Governments in articles 1, 2, 3, 4, and 5 of the protocol of 1877, respecting American citizens accused of seditious acts in Spanish territory against the Supreme Government of Spain; and—

Second. That if the sentence should be that of death its execution be suspended to give time to communicate by telegraph to his excellency the Minister of State at Washington.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 2 in No. 2996.]

*Mr. Williams to admiral of naval station.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 13, 1896.*

EXCELLENCY: Having read in the papers of this afternoon that two American citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the American schooner *Competitor*, have been captured on land, and that it is intended to try them by the marine jurisdiction, I have to ask your excellency, in the name of my Government:

First. The strict observance of article 7 of the treaty of 1795, as interpreted by both Governments in articles 1, 2, 3, 4, and 5 of the protocol of 1877, concerning citizens of the United States in the Spanish dominions accused of acts of sedition against the supreme Government of Spain; and

Second. That if the sentence pronounced should be that of death its execution be suspended to give me time to communicate by telegraph with his excellency the Minister of State at Washington.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 3 in No. 2996.]

*Mr. Williams to Governor-General of Cuba.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 13, 1896.*

EXCELLENCY: Having been informed that the two American citizens recently arrested, to whom I referred in the communication I had the honor to address yesterday afternoon to your excellency as belonging to the expedition of the American schooner *Competitor*, are simply sailors belonging to the crew of that vessel, I have

to beg your excellency that if this is the fact to please order through the proper authorities that the trial of these American citizens be conducted with adherence to the terms of the existing treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I have the honor to reiterate to your excellency the testimony of my most distinguished consideration, signifying at the same time that in the same sense I have addressed the marine authority.

RAMON O. WILLIAMS.

[Inclosure 4 in No. 2996.]

*Mr. Williams to admiral of the West Indies naval station.*

UNITED STATES CONSULATE-GENERAL,  
Habana, May 13, 1896.

EXCELLENCY: Having been informed that the two American citizens recently arrested, to whom I referred in the communication I had the honor to address yesterday afternoon to your excellency as belonging to the expedition of the American schooner *Competitor*, are simply sailors belonging to the crew of that vessel, I have to beg your excellency that if this is the fact to please order through the proper authorities that the trial of these American citizens be conducted with adherence to the terms of the existing treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 5 in No. 2996.]

*El Marques de Palmerola to Mr. Williams.*

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
OFFICE OF THE SECRETARY,  
Habana, May 13, 1896.

SIR: Replying to your attentive communications of yesterday and to-day, referring to two American citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the schooner *Competitor* and which you understand have been made prisoners, I have the honor to inform you, by order of the Governor-General, that citizens of the United States are judged in accordance with the treaties existing between Spain and the United States, and that the sentences of death are not executed unless they are approved by the Government of His Majesty.

I am, etc.,

EL MARQUEZ DE PALMEROLA.

[Telegram.]

*Mr. Taylor to Mr. Olney.*

MADRID, June 16, 1896.

Resume duties to-day. Referring to your cablegram, received Paris, please indicate what you would consider just decision *Competitor* case as basis for my efforts.

[Telegram.]

*Mr. Olney to Mr. Taylor.*

DEPARTMENT OF STATE,  
Washington, June 30, 1896.

Inquire and report when decision appellate tribunal *Competitor* case is expected.

*Mr. Lee to Mr. Rockhill.*

No. 50.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, July 14, 1896.*

SIR: I herewith transmit copy translation of a communication received from the father of Alfredo Laborde, the captain of the schooner *Competitor*, and signed "The families of the *Competitor's* prisoners," in which a request is made of me to intercede with the honorable Secretary of State that our Government may ask for the pardon of the *Competitor's* prisoners.

I forward the same for such action as the honorable Secretary of State shall deem best to take in the matter.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 50.]

HABANA, July 15, 1896.

THE CONSUL-GENERAL OF THE UNITED STATES,  
*Habana:*

The consul-general is requested to intercede with the honorable Secretary of State, that he in turn may appeal to the Spanish Government, in order to obtain the pardon of the captain and crew of the schooner *Competitor*.

Should the consul-general decide to do so by cable, there would be an opportunity by said pardon to solemnize the birthday of Her Majesty the Queen Regent, which is celebrated the 21st of this month.

It is unquestionable that the Spanish Government must thank the United States Government for the attitude it has observed during this civil war, always favorable to the former, notwithstanding the popular manifestations against it, which has been expressed by all the organs of public opinion in the United States.

Therefore, if in the strict ground of law there are no terms wherein to request what is hereby petitioned of the consul-general, yet on the ground of grace and mercy there is room enough without counting also that every occasion is fit to perform a good action.

The high illustration and intelligence of the consul-general will add to this petition such other considerations as may give it more strength and greater probabilities of a favorable result.

THE FAMILIES OF THE COMPETITOR'S PRISONERS.

*Mr. Lee to Mr. Rockhill.*

No. 79.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, August 11, 1896.*

SIR: With reference to an unofficial letter received from Mr. Rockhill, accompanying copy of a letter from a citizen of Key West, Fla., respecting the food furnished to the American prisoners of the *Competitor* under confinement in the fortresses and jail of this city, I have to inform the Department that on the 5th instant I again called the attention of the Governor and Captain-General to the subject, and have received his reply, of which I accompany herewith a copy translation.

I am, sir, very respectfully, your obedient servant,

FITZHUGH LEE,  
*Consul-General.*

[Translation.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
*Habana, August 7, 1896.*

SIR: I have the honor to acknowledge the receipt of your courteous communication of the 5th instant, in which, in compliance with a special instruction of your Government, you request that a change be made in the food furnished to the American

citizens imprisoned in the fortresses and jail of this capital; or otherwise, to be informed if there is any objection to authorize subscriptions in the United States for the purpose of purchasing, with the proceeds thereof, food for the prisoners referred to, in order that they may be supplied with the same after 4 o'clock in the afternoon and 12 noon, the only hours in which the meals are served in those establishments.

With respect to the first part of your said official letter, it becomes the duty of this government to make known that the food supplied to the prisoners of all kinds in the fortresses and jail of this city, besides being healthy, of superior quality, and well seasoned, is provided in abundance and in a varied form, the same for all prisoners, without distinction of race or nationality.

That the good condition of such food is evidently justified in the fact, very noticeable, that, notwithstanding there are other prisoners, national as well as foreigners of other nations besides that of which you are a most worthy representative in this island, none of them, with the exception of the American citizens, complain of the quality or quantity of food.

The hours during which this is distributed are in conformity with the provisions of the regulations which are indispensable to the discipline and interior order of this kind of establishment, such hours being fixed after a complete preliminary study of the climatological exigencies and customs of the country, it not being possible to make any special distinction in favor of a certain class of prisoners; having further to add that, besides the daily food, or properly speaking meals, supplied in the prisons referred to, they are provided daily with coffee, resulting thereby that there is not such a long interval as you have been erroneously informed between the time during which the prisoners receive food; and that, notwithstanding their condition of prisoners, they are supported in the same manner and hours the generality of the inhabitants of this capital, in accordance with the customs of the country.

These considerations, derived from real and positive facts, will, undoubtedly, bring to your upright and impartial attention the conviction that these complaints made to you and to the respectable Government which you represent are unfounded, and will persuade you that it is not prudent nor possible that this Government should conform itself to the proceeding referred to in the consultation contained in the second part of your respectable communication; to which is opposed, besides the serious considerations of prestige and national dignity, foundations of strict justice, connected with the interior order of penal establishments, that in no case, nor in any country, can there be allowed privileges or concessions in favor of certain classes, which is always irritating and the cause of conflicts which the international harmony and mutual friendly relations between the Government of Spain and that of the Republic which you represent with so much prestige, should advise their avoidance.

God guard you many years.

WEYLER.

The CONSUL-GENERAL OF THE UNITED STATES.

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*Mr. Lee to Mr. Rockhill.*

No. 90.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, August 19, 1896.*

SIR: With reference to my dispatch, No. 79, of the 11th instant, in which I communicated to the Department the answer of the Governor-General to the inquiry if funds subscribed in the United States to ameliorate the condition of the American prisoners of the *Competitor*, in confinement at the Cabaña fortress, might be forwarded them to provide them better food and accommodations, I have now the honor to transmit a copy translation of another communication from General Weyler, to the effect that the governor of the fort has been asked to report on the condition of said prisoners; and with respect to their food, which is the same as that supplied to all prisoners by the municipal authorities, they might obtain it at their own expense and of better quality.

I therefore infer from said communication that the friends of the prisoners will be allowed to transmit them funds, either through this office, to be delivered to them direct, or to purchase food to be sent them.

I am, etc.,

FITZHUGH LEE.

the competency, which neither the accused, the consul, nor directly the Government of the United States has discussed, because not being the only cause of it.

"To the argument presented on that point, it suffices to say that the declarations of the protocol of 1877 were in no manner reciprocal, but, to the contrary, each one of the signers made his own separately and upon distinct subjects as could not less than incur in view of the nature of the matters treated about and the special legislation of the respective countries. The protocol of the 12th of January, 1877, is not a treaty negotiated between two nations, nor even an addition nor complement of any preexisting treaty. It is only and exclusively what its preamble says: the result of a conference held with the desire to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and communicated for its observance by a royal order. Therefore, the citation of international law about the revocation and denunciation of treaties is needless. Consequently, there being no violation in any shape or manner of the treaty solemnly agreed upon between Spain and the United States of the 27th of October of 1795, it is plain that within the terms of the most exquisite courtesy it is impossible for your excellency to accept any of the protests of the consul of that friendly nation in this city."

And with the approval of the above report I have the honor to transmit you a copy of the same, and avail myself of the opportunity to reiterate to you the assurances of my most distinguished consideration.

JOSE NAVARRO FERNANDEZ.

The CONSUL-GENERAL OF THE UNITED STATES.

[Inclosure 4 in No. 2987.]

URGENT.]

CONSULATE-GENERAL OF THE UNITED STATES,  
Habana, May 8, 1896.

*His Excellency the Governor and Captain-General of the Island of Cuba.*

EXCELLENCY: Yesterday, at 5 p. m., his excellency the admiral of the naval station has replied to a communication addressed him on the 30th ultimo by this consulate general in which, by reason of the capture of the American schooner *Competitor*, with several persons on board, I reminded him of the treaty obligations which absolutely prohibit, without exception in any case, the trial of American citizens within Spanish territory by exceptional military tribunals, such as are here called by the name of most summary process.

I explicitly informed his excellency the admiral that on addressing him I did so in obedience to the orders of my Government, which exacts the strict fulfillment of its treaties with Spain; and at the end of seven days and at 5 o'clock in the afternoon of yesterday I received his answer, denying my affirmation and maintaining that the provisions of the treaty of 1795 between the United States and Spain have been abrogated by national or local laws subsequently enacted to the date of that treaty by the Government of Spain.

And I am just informed by the morning newspapers that the trial is to take place this same morning at 8 o'clock under the form of procedure known here as the most summary process, or fifteen hours after the receipt of the admiral's communication in reply to the one which, in the name of my Government, I personally delivered to the second in command on the 30th ultimo.

But, excellency, notwithstanding his excellency the admiral denies it, still the fact exists that the only criminal procedure under which citizens of the United States can be tried in the dominions of Spain is that designated in the treaty of 1795 and the protocol of 1877 construing it, under conformity to the procedure established by the law of the 17th of April, 1821.

All the existing treaty obligations between the United States and Spain having application to the case in question prohibit absolutely the trial of American citizens within the Spanish dominions under the procedure known as most summary process. The treaty from which these obligations emanate has never been revoked, and therefore still exists.

In the same afternoon (of yesterday) I replied to the erroneous communication of his excellency the admiral, protesting, in the name of my Government, against the trial by the form of most summary process in case it should be carried out, against the existing treaty.

My Government can not consent to any other form of trial for its citizens within the Spanish dominions than those so clearly established in the treaty of 1795. They may by force be tried by the most summary process; but, then on my part, I must decline all the responsibility that may in consequence accrue from such flagrant violation of the treaty. My last communication to his excellency the admiral refutes and destroys all the errors in which his is inspired.

But as the persons accused, Ona Melton, Alfred Laborde are, as they inform me, American citizens, Laborde a native of New Orleans, Melton of Kansas; and Gildea, though of British nativity, the mate of an American vessel; and as article 5 of the protocol textually says "the sentence pronounced shall be referred to the audiencia of the judicial district, or to the captain-general, according as the trial may have taken place before the ordinary judge or before the council of war," I have therefore, within the instructions of my Government, yet in time, to address myself to your excellency, as you have to pass on the sentence of this most summary process, to see that justice is done to these American citizens, and to annul the whole proceedings because having been practiced throughout in manner contrary to the treaty between the United States and Spain.

Your excellency being the superior representative in this island of the Government of His Majesty, and my legal and just demand having been rejected by the admiral, and as the sentence in the case, whatever it may be, has in last instance to be submitted to the approval or disapproval of your excellency, I have therefore to beg your excellency to order the delivery to you of my communication of the 30th ultimo and 7th instant, addressed to his excellency the admiral with the view that your excellency may personally examine the reasons and arguments therein stated.

Should your excellency refuse to accede to my petition addressed to you in the preceding paragraph, in the name of my Government, I then most solemnly protest in its name before your excellency against the violation of the treaty on the part of the Government of Spain, which your excellency so worthily represents in this island, giving account of the act to my Government and of my remonstrance and protests presented to the naval authorities and to the superior authority of your excellency, before which in last instance the sentence must come, from a court incompetent under the treaty to take judicial cognizance in the affairs of American citizens in this island.

I have the honor to subscribe myself, with the greatest respect and consideration, your excellency's most obedient servant,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure No. 5 in No. 2267.]

CONSULATE-GENERAL OF THE UNITED STATES,  
*Habana, May 9, 1896.*

*His Excellency, the Admiral of this Naval Station and Squadron.*

EXCELLENCY: In reply to your attentive communication of this date I have to say:

First. That the officers and crew of an American vessel enjoy, under the laws of any country, regardless of their nativity, the protection due to American citizens, and Laborde and Gildea, having assured me that they are master and mate, respectively, of the American schooner *Competitor*, it is therefore clear that they are embraced in the clauses of the treaties between the United States and Spain, and as to Melton, he being a native-born American, there can not be any doubt about his status and rights.

Second. The accused have been deprived of their right to name advocate and solicitor of their own choice for their defense and to freely communicate with them; neither have they been furnished with a copy of the accusation and with a list of the witnesses of the prosecution, or allowed to examine them in the presence of themselves and attorney and advocate, nor to summon witnesses in their favor; in a word, none of the provisions of article 4 of the protocol have been practiced in their behalf, and instead of a professional lawyer of their own choice a naval officer, as I understand, has been designated for their defense.

Third. The protocol of 1877 not only confirms the treaty of 1795, but is its most authentic interpretation.

Fourth. The difference between the form of procedure known as *most summary process* and the stipulated ordinary council of war, constitutes an exceptional tribunal of the kind expressly excluded by the protocol, the ordinary council of war admitted in the protocol being that which is defined in article 2 of the law of the 17th of April, 1821.

Fifth. The statement that the signers of the protocol only expressed their private opinions therein is not correct; to the contrary, they together, and in common, and in the representation of the two countries, agreed upon that plan for the removal of all doubts and obscurities that had until then existed as to the methods of judicial procedure to be observed in the prosecution of American citizens within the dominions of Spain.

Consequently I ratify my previous protests, and, in the name of my Government, decline in your excellency and in his excellency the captain-general of this island,

all the responsibility that may supervene from the trial of these men by *most summary process* and denial of their right to be tried in the manner expressed by the treaty of the 27th of October, 1795, and the protocol construing it of the 12th of January, 1877, between the United States and Spain.

I am, etc.,

RAMON O. WILLIAMS,  
*Consul-General.*

[Inclosure No. 6 in No. 2967.—Translation.]

COMMANDANCY-GENERAL OF MARINE OF THE NAVAL STATION  
AND SQUADRON OF THE WEST INDIES,  
*Habana, 9 May, 1896.*

DEAR SIR: Having received your attentive communication of this date insisting on the points treated in your two previous ones and ratifying your protests, I have the honor to inform you that I passed it in consultation to the judge-advocate of this station, and he has reported thereon in the following terms:

"Information having been given to the Government of His Majesty in everything concerning the proceedings had by reason of the capture of the schooner *Competitor*, and being subject to its decision, it is not possible for your excellency to take any resolution in this affair, or to accept protests from the consul-general of the United States of America in this capital, nor enter in new disquisitions about a question already so much debated, and consequently it is my opinion that your excellency should be pleased to reply in this sense to the said consular functionary, leaving his action open for the fulfillment of the instructions of his Government in the manner and way he may esteem most convenient."

With my approval of the above report, I have the honor to send it to you in reply to your said communication, and to reiterate to you the testimony of my most distinguished consideration.

JOSE NAVARRO Y FERNANDEZ.

The CONSUL-GENERAL OF THE UNITED STATES.

[Inclosure 7 in No. 2967.—Translation.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
OFFICE OF THE SECRETARY,  
*Habana, May 9, 1896.*

SIR: In reply to your attentive communication of yesterday, protesting in the name of the Government of your nation against the court-martial being held by the commandancy-general of the navy for the trial of the prisoners of the schooner *Competitor*, Laborde, Melton, and another, I have the honor to inform you, by order of his excellency the Governor-General, that knowledge of the said protest has been given to the Government of His Majesty.

I am, etc.,

EL MARQUES DE PALMEROLA.

The CONSUL-GENERAL OF THE UNITED STATES.

[Inclosure 8 in No. 2967.]

BRITISH CONSULATE-GENERAL,  
*Habana, May 8, 1896.*

MY DEAR COLLEAGUE: I have just heard that one of the *Competitor's* crew (who are to be tried to-day) is a British subject named Gildes. Now, I am not at all sure that, in a case of this kind, consular interference will be of any avail; but at all events, as I understand the *Competitor* is an American vessel, it appears to me that you alone are competent to intervene. If, therefore, you find yourself in a position to give any assistance to your own people, might I beg of you to extend the same valuable aid to my poor countryman?

Believe me, dear Mr. Williams, yours, very sincerely,

ALEX. GOLLAN.

RAMON O. WILLIAMS, Esq.,  
*United States Consul-General.*

[Inclosure 9 in No. 2987.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 8, 1896.

MY DEAR COLLEAGUE: In reply to your note of this morning, I am pleased to inform you that I included William Gildea, a native of Liverpool, England, but the mate of the American schooner *Competitor*, in my petitions to the captain-general and admiral, that the American prisoners of the *Competitor* be tried in accordance with article 7 of the treaty between the United States and Spain of 1795, and the protocol of January 12, 1877, construing it.

I am, etc.,

RAMON O WILLIAMS.

ALEX. GOLLAN, Esq.,  
Her Britannic Majesty's Consul-General, Habana.

[Inclosure 10 in No. 2987.]

BRITISH CONSULATE-GENERAL,  
Habana, May 11, 1896.

MY DEAR COLLEAGUE: I have to thank you for your note of the 8th instant. I felt quite sure in writing to you on behalf of my countryman, William Gildea, that I could count upon all the assistance in your power.

It will probably be of interest to you to know what action I myself took in regard to the matter. On Friday, the 8th instant, as soon as I heard that the public prosecutor had demanded that the extreme penalty of death should be applied to the prisoners, and was likely to be enforced forthwith, I addressed official communications both to the Governor-General and admiral requesting that if this was the decision arrived at, its execution should be suspended until I had the opportunity of communicating the facts by telegraph to Her Britannic Majesty's secretary of state for foreign affairs. On the following morning, on the 9th, the admiral sent me a courteous reply stating that it was true the "consejo" had agreed to a death sentence, but that in deference to my wishes he had telegraphed to his Government at Madrid. Last night I received a further communication from the admiral in which he states:

"El Gobierno de S. M. la Reina Regente (q. D. g.) ha dispuesto suspender los efectos del consejo de guerra celebrado en el arsenal con motivo del apresamiento de la goleta filibustera *Competitor* y la remision de la causa al consejo supremo."

Believe me, etc.,

ALEX. GOLLAN.

RAMON O. WILLIAMS, Esq.

[Inclosure 11 in No. 2987.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 11, 1896.

MY DEAR COLLEAGUE: I have to acknowledge the receipt of your note of to-day, with many thanks for the interesting information therein conveyed.

Sincerely, yours,

RAMON O. WILLIAMS.

ALEX. GOLLAN, Esq.,  
Her Britannic Majesty's Consul-General, Habana.

[Inclosure No. 12 in No. 2987.]

BRITISH CONSULATE-GENERAL,  
Habana, May 11, 1896.

MY DEAR COLLEAGUE: In a telegram which I received last evening from our foreign office regarding Gildea, I am informed that the newspapers had reported the man to have become a naturalized American citizen. Will you kindly inform me if such is the case?

Yours, etc.,

ALEX GOLLAN.

RAMON O. WILLIAMS, Esq.,  
United States Consul-General.



[Inclosure 13 in No. 2967.]

UNITED STATES CONSULATE-GENERAL,  
Habana, May 12, 1896.

My DEAR COLLEAGUE: In reply to your note of the 11th instant, just received, I have to state that I have no information whatever as to the report that William Gildea is a naturalized citizen of the United States. He told me at the prison that he was an Englishman and a native of Liverpool. He did not claim American citizenship, but as one of the crew (he had engaged as mate) of the American schooner *Competitor* it became my consular duty to defend him under paragraph 171 of Consular Regulations, based on statutes, which states:

"That the circumstance that the vessel is American is evidence that the crew on board are such, and that in every regularly documented vessel the crew will find their protection in the flag that covers them."

And as the *Competitor* was such a regularly documented vessel, Gildea was entitled to the protection of the United States Government, regardless of whatever rights he may have as a native-born British subject.

I am, etc.,

RAMON O. WILLIAMS.

ALEX. GOLLAN, Esq.,  
Her Britannic Majesty's Consul-General, Habana.

[Inclosure 14 with No. 2967.]

ARSENAL OR NAVY-YARD, Habana, May 8, 1896.

My name is Alfredo Laborde; I am 38 years of age; I am a native of New Orleans, La.; I was the captain or master of the American schooner *Competitor*, belonging to Mr. Joseph Well, of Key West. This vessel had a license, a wrecking license, and I cleared her at the Key West custom-house, with four others besides myself as crew; five all told. I took on board twenty-four men as passengers for Lemon City, Fla., at \$2 each, and sailed from Key West at 2 o'clock in the morning. When in the neighborhood of Cape Sable, on the 22d ultimo, the passengers took charge of the ship, seized her, and six of them came into my cabin to make me surrender the ship. One of them, named Taboada, held a pistol to my breast and I gave up the command. They then took the schooner to Cape Sable and here took on board twenty-three men with arms and munitions. They then informed me that from Cape Sable to Rebecca Light they expected to meet a steamer with more men and arms for Cuba, but when we arrived off Rebecca Light I told them that the schooner could not go into the Gulf on account of her bad condition, but Taboada, who acted as pilot, told me to shut up, and overpowered my objections.

We reached Cuba, near Berracos, San Cayetano, on Saturday, the 25th April, and immediately landed. They forced me to go in the first boat with one of the crew and 19 men; all landed and escaped. I went back on board with the boat and another lot landed. We were sighted by a Spanish tug or steam launch. I ordered the American flag to be set, but the mate, Mr. William Gildea, who tried to set it, found the halliards foul, and as he was shot at twice he threw it down. I held the flag against the rigging so that it should be seen. Not a shot was fired from the schooner, for we had no arms; the passengers had arms and, we understood, also dynamite. We made no efforts to escape with the passengers, because we had been forced, and therefore we determined to stay by the ship; then we were seized or captured by the Spanish launch.

They put me into what is called a Spanish windlass, by tying my wrists together and then drawing the rope tight by a stick thrust through, which caused me great torture and made my wrists swell.

I know nothing of a proclamation signed Laborde; there was another Laborde among the passengers, taller than I and about 32 years old, who spoke French well. All our papers, letters, etc., were taken away by our captors and we have none to show.

ALFREDO LABORDE.

We have heard the foregoing statement read, and do also subscribe and depose to the same, Ona Melton declaring further that as a newspaper correspondent he ought not to be considered as part of the crew.

ONA MELTON.  
WM. GILDEA.

Witness:  
JOSEPH A. SPRINGER, *Vice-Consul-General*.

Subscribed and sworn to before me at the arsenal, Habana, at 7.30 a. m. this 8th May, 1896.

Witness my hand and official seal.

RAMON O. WILLIAMS, *Consul-General*.

[Inclosure 15 in No. 2987.]

HABANA NAVAL PRISON,  
May 2, 1896. (Received May 7.)

DEAR SIR: I wish to know if you are aware that three American citizens have been imprisoned here for some time. If so, please inform me immediately.

Relying on your wisdom and integrity, as well as the high esteem with which you are held in the United States, I await your advice,

Most respectfully,

ONA MELTON.

Mr. WILLIAMS.

[Inclosure No. 16 in No. 2987.]

SATURDAY, May 2, 1896.

SIR: I belong to the schooner *Competitor*, captured last Saturday by the man-of-war launch *Mensagera*, and I am accused of landing men and arms in Berracos opening. I would request you to see if anything could be done to help me out of the fix we are in. I can't say more, but would explain fully if I could see you.

Yours, etc.,

WM. GILDEA.

The UNITED STATES CONSUL, *Habana*.

[Inclosure 17 in No. 2987.]

HABANA, May 7, 1896.

DEAR SIR: We, the undersigned, the captain and the mate of the schooner *Competitor*, of Key West, and a correspondent of the Times-Union, of Jacksonville, Fla., citizens of the United States, who have been imprisoned here for some time, as you are probably aware, are to be tried at some hour to-morrow before the "Consejo de guerra."

Being informed this evening that we might write to you, we approve of the opportunity to respectfully urge that you attend our court-martial in person, or, if it is not possible, that you exert your best efforts in our behalf to the end that we may receive justice.

Respectfully, yours,

CAPTAIN ALFREDO LABORDE.  
WILLIAM GILDEA.  
ONA MELTON.

CONSUL OF THE UNITED STATES.

*Mr. Williams to Mr. Rockhill.*

No. 2988.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 21, 1896.*

SIR: I beg to inform you that having sent Mr. Sanchez Dotz, the deputy consul-general, this morning to visit Laborde, Gildea, Melton, Barnet, and Leavitt, of the *Competitor* expedition, and now held in custody at Fortress Cabanas, he reports to me that he found all the men well; that they stated they were well treated and have no complaint on this score. William Leavitt, a seaman, says that he is a native of Bangor, Me., and Charles Barnet, steward, that he is a native of Staffordshire, England.

From their report it appears that these two were captured while asleep on a farm about 8 miles from "La Palma," a village near San Cayetano, on the northwest coast of Cuba.

I am, etc.,

RAMON O. WILLIAMS.

*Mr. Williams to Mr. Rockhill.*

No. 2996.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 23, 1896.*

SIE: With reference to my dispatch, No. 2988, of the 21st instant, relative to Charles Barnet and William Leavitt, seamen supposed to belong to the crew of the American schooner *Competitor* and who were captured on land, I now beg to inclose the copies of the correspondence had with the Governor-General and the admiral of the naval station regarding same.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure in No. 2996.]

*Mr. Williams to Governor-General of Cuba.*

CONSULATE-GENERAL OF THE UNITED STATES,  
*Habana, May 12, 1896.*

EXCELLENCY: Being informed by the newspapers of this afternoon that two American citizens, named Charles Barnet and William Leavitt, who are supposed to belong to the expedition of the American schooner *Competitor*, have been captured on land, and that they are to be tried by the marine jurisdiction, I have to apply to your excellency, as the superior representative and delegate of the Government of His Majesty the King of Spain, to ask in the name of my Government—

First. For the strict observance of article 7 of the treaty of 1795, interpreted by both Governments in articles 1, 2, 3, 4, and 5 of the protocol of 1877, respecting American citizens accused of seditious acts in Spanish territory against the Supreme Government of Spain; and—

Second. That if the sentence should be that of death its execution be suspended to give time to communicate by telegraph to his excellency the Minister of State at Washington.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 2 in No. 2996.]

*Mr. Williams to admiral of naval station.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 12, 1896.*

EXCELLENCY: Having read in the papers of this afternoon that two American citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the American schooner *Competitor*, have been captured on land, and that it is intended to try them by the marine jurisdiction, I have to ask your excellency, in the name of my Government:

First. The strict observance of article 7 of the treaty of 1795, as interpreted by both Governments in articles 1, 2, 3, 4, and 5 of the protocol of 1877, concerning citizens of the United States in the Spanish dominions accused of acts of sedition against the supreme Government of Spain; and

Second. That if the sentence pronounced should be that of death its execution be suspended to give me time to communicate by telegraph with his excellency the Minister of State at Washington.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 3 in No. 2996.]

*Mr. Williams to Governor-General of Cuba.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 13, 1896.*

EXCELLENCY: Having been informed that the two American citizens recently arrested, to whom I referred in the communication I had the honor to address yesterday afternoon to your excellency as belonging to the expedition of the American schooner *Competitor*, are simply sailors belonging to the crew of that vessel, I have

to beg your excellency that if this is the fact to please order through the proper authorities that the trial of these American citizens be conducted with adherence to the terms of the existing treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I have the honor to reiterate to your excellency the testimony of my most distinguished consideration, signifying at the same time that in the same sense I have addressed the marine authority.

RAMON O. WILLIAMS.

[Inclosure 4 in No. 2996.]

*Mr. Williams to admiral of the West Indies naval station.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, May 13, 1896.*

EXCELLENCY: Having been informed that the two American citizens recently arrested, to whom I referred in the communication I had the honor to address yesterday afternoon to your excellency as belonging to the expedition of the American schooner *Competitor*, are simply sailors belonging to the crew of that vessel, I have to beg your excellency that if this is the fact to please order through the proper authorities that the trial of these American citizens be conducted with adherence to the terms of the existing treaty between the United States and Spain, according to which only those captured with arms in hand are to be tried by ordinary council of war, circumstances which can hardly concur in mere sailors of a merchant vessel of the United States.

I am, etc.,

RAMON O. WILLIAMS.

[Inclosure 5 in No. 2996.]

*El Marques de Palmerola to Mr. Williams.*

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
OFFICE OF THE SECRETARY,  
*Habana, May 13, 1896.*

SIR: Replying to your attentive communications of yesterday and to-day, referring to two American citizens named Charles Barnet and William Leavit, who are supposed to belong to the expedition of the schooner *Competitor* and which you understand have been made prisoners, I have the honor to inform you, by order of the Governor-General, that citizens of the United States are judged in accordance with the treaties existing between Spain and the United States, and that the sentences of death are not executed unless they are approved by the Government of His Majesty.

I am, etc.,

EL MARQUEZ DE PALMEROLA.

[Telegram.]

*Mr. Taylor to Mr. Olney.*

MADRID, *June 16, 1896.*

Resume duties to-day. Referring to your cablegram, received Paris, please indicate what you would consider just decision *Competitor* case as basis for my efforts.

[Telegram.]

*Mr. Olney to Mr. Taylor.*

DEPARTMENT OF STATE,  
*Washington, June 30, 1896.*

Inquire and report when decision appellate tribunal *Competitor* case is expected.

*Mr. Lee to Mr. Rockhill.*

No. 50.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, July 14, 1896.*

SIR: I herewith transmit copy translation of a communication received from the father of Alfredo Laborde, the captain of the schooner *Competitor*, and signed "The families of the *Competitor's* prisoners," in which a request is made of me to intercede with the honorable Secretary of State that our Government may ask for the pardon of the *Competitor's* prisoners.

I forward the same for such action as the honorable Secretary of State shall deem best to take in the matter.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 50.]

HABANA, July 13, 1896.

THE CONSUL-GENERAL OF THE UNITED STATES,  
*Habana:*

The consul-general is requested to intercede with the honorable Secretary of State, that he in turn may appeal to the Spanish Government, in order to obtain the pardon of the captain and crew of the schooner *Competitor*.

Should the consul-general decide to do so by cable, there would be an opportunity by said pardon to solemnize the birthday of Her Majesty the Queen Regent, which is celebrated the 21st of this month.

It is unquestionable that the Spanish Government must thank the United States Government for the attitude it has observed during this civil war, always favorable to the former, notwithstanding the popular manifestations against it, which has been expressed by all the organs of public opinion in the United States.

Therefore, if in the strict ground of law there are no terms wherein to request what is hereby petitioned of the consul-general, yet on the ground of grace and mercy there is room enough without counting also that every occasion is fit to perform a good action.

The high illustration and intelligence of the consul-general will add to this petition such other considerations as may give it more strength and greater probabilities of a favorable result.

THE FAMILIES OF THE COMPETITOR'S PRISONERS.

*Mr. Lee to Mr. Rockhill.*

No. 79.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, August 11, 1896.*

SIR: With reference to an unofficial letter received from Mr. Rockhill, accompanying copy of a letter from a citizen of Key West, Fla., respecting the food furnished to the American prisoners of the *Competitor* under confinement in the fortresses and jail of this city, I have to inform the Department that on the 5th instant I again called the attention of the Governor and Captain-General to the subject, and have received his reply, of which I accompany herewith a copy translation.

I am, sir, very respectfully, your obedient servant,

FITZHUGH LEE,  
*Consul-General.*

[Translation.]

GENERAL GOVERNMENT OF THE ISLAND OF CUBA,  
*Habana, August 7, 1896.*

SIR: I have the honor to acknowledge the receipt of your courteous communication of the 5th instant, in which, in compliance with a special instruction of your Government, you request that a change be made in the food furnished to the American

citizens imprisoned in the fortresses and jail of this capital; or otherwise, to be informed if there is any objection to authorize subscriptions in the United States for the purpose of purchasing, with the proceeds thereof, food for the prisoners referred to, in order that they may be supplied with the same after 4 o'clock in the afternoon and 12 noon, the only hours in which the meals are served in those establishments.

With respect to the first part of your said official letter, it becomes the duty of this government to make known that the food supplied to the prisoners of all kinds in the fortresses and jail of this city, besides being healthy, of superior quality, and well seasoned, is provided in abundance and in a varied form, the same for all prisoners, without distinction of race or nationality.

That the good condition of such food is evidently justified in the fact, very noticeable, that, notwithstanding there are other prisoners, national as well as foreigners of other nations besides that of which you are a most worthy representative in this island, none of them, with the exception of the American citizens, complain of the quality or quantity of food.

The hours during which this is distributed are in conformity with the provisions of the regulations which are indispensable to the discipline and interior order of this kind of establishment, such hours being fixed after a complete preliminary study of the climatological exigencies and customs of the country, it not being possible to make any special distinction in favor of a certain class of prisoners; having further to add that, besides the daily food, or properly speaking meals, supplied in the prisons referred to, they are provided daily with coffee, resulting thereby that there is not such a long interval as you have been erroneously informed between the time during which the prisoners receive food; and that, notwithstanding their condition of prisoners, they are supported in the same manner and hours the generality of the inhabitants of this capital, in accordance with the customs of the country.

These considerations, derived from real and positive facts, will, undoubtedly, bring to your upright and impartial attention the conviction that these complaints made to you and to the respectable Government which you represent are unfounded, and will persuade you that it is not prudent nor possible that this Government should conform itself to the proceeding referred to in the consultation contained in the second part of your respectable communication; to which is opposed, besides the serious considerations of prestige and national dignity, foundations of strict justice, connected with the interior order of penal establishments, that in no case, nor in any country, can there be allowed privileges or concessions in favor of certain classes, which is always irritating and the cause of conflicts which the international harmony and mutual friendly relations between the Government of Spain and that of the Republic which you represent with so much prestige, should advise their avoidance.

God guard you many years.

WEYLER.

The CONSUL-GENERAL OF THE UNITED STATES.

*Mr. Lee to Mr. Rockhill.*

No. 90.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, August 19, 1896.*

SIR: With reference to my dispatch, No. 79, of the 11th instant, in which I communicated to the Department the answer of the Governor-General to the inquiry if funds subscribed in the United States to ameliorate the condition of the American prisoners of the *Competitor*, in confinement at the Cabaña fortress, might be forwarded them to provide them better food and accommodations, I have now the honor to transmit a copy translation of another communication from General Weyler, to the effect that the governor of the fort has been asked to report on the condition of said prisoners; and with respect to their food, which is the same as that supplied to all prisoners by the municipal authorities, they might obtain it at their own expense and of better quality.

I therefore infer from said communication that the friends of the prisoners will be allowed to transmit them funds, either through this office, to be delivered to them direct, or to purchase food to be sent them.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 60.—Translation.]

*Captain-General Weyler to Mr. Lee.*

CAPTAINCY-GENERAL OF THE ISLAND OF CUBA,  
*Habana, August 14, 1896.*

SIR: In answer to your courteous official letter of the 10th ultimo, relative to the American prisoners of the *Competitor* imprisoned at the Cabaña fortress, I have the honor to state that the general-governor of said fortress has been asked to report whether if it is possible to better the condition of said prisoners; and in regard to the food supplied to them I have to say, that it is the same given to all prisoners supplied by the municipality, but as it is not obligatory on the prisoners to take it, they can try to acquire it in better condition.

God guard you many years.

VALERIANO WEYLER.

—  
[Telegram.]

*Mr. Olney to Mr. Taylor.*

WASHINGTON, *September 3, 1896.*

Delay of Spanish Government in deciding *Competitor* and Delgado cases absolutely unreasonable. Call for prompt action and reasons justifying past delay or additional delay, if such is asked for.

—  
[Telegram.]

*Mr. Taylor to Mr. Olney.*

SPAIN, *September 4, 1896.*

Understood here *Competitor* case already decided annulling judgment and ordering new trial before ordinary tribunal. Decision expected shortly.

—  
[Telegram.]

*Mr. Taylor to Mr. Olney.*

SAN SEBASTIAN, *September 8, 1896.*

Minister of foreign affairs told me last night confidentially *Competitor* case actually decided as indicated in my last telegram. Will be made public soon. Cortes adjourned yesterday.

—  
*Mr. Lee to Mr. Rockhill.*

No. 118.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, September 9, 1896.*

SIR: I transmit herewith copy translation of a note from Captain-General Weyler relative to the quarters in the Cabaña fortress occupied by the *Competitor* prisoners.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 118.]

*Captain-General Valeriano Weyler to Mr. Lee.*

ARMY OF THE ISLAND OF CUBA,  
OFFICE OF THE CAPTAIN-GENERAL, CHIEF OF STAFF,  
*Habana, September 5, 1896.*

SIR: In continuation of my official note of the 14th August last, I have the honor to state that, as I am informed by the general governor of the Cabafia fortress, the American citizens that belonged to the schooner *Competitor* occupy the casemates (calabozos) Nos. 41 and 42 of said fortress, which are the ones that are best conditioned among those in the fort.

God guard you many years.

VALERIANO WEYLER.

*Mr. Lee to Mr. Rockhill.*

No. 190.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, October 21, 1896.*

SIR: I have the honor to transmit herewith copies of two letters I have received from Ona Melton, one of the prisoners of the *Competitor*. I have replied by quoting for his information, and for the information of the officers taking the preliminary depositions at La Cabaña, articles 171 and 172 of the regulations prescribed for the use of the consular service of the United States.

It is held there "that the circumstance that the vessel is American is evidence that the seamen on board are such, and that in every regularly documented merchant vessel the crew will find their protection in the flag that covers it."

I am, etc.,

FITZHUGH LEE.

[Inclosure 1 in No. 190.]

*Mr. Ona Melton to Mr. Lee.*

FORT CABAÑAS, CALABOZA 41,  
*Habana, October 18, 1896.*

DEAR SIR: Yesterday I was taken to the "cuarto de banderas" (guardroom) to make a preliminary deposition, preparatory for a "consejo de guerra ordinario" (ordinary court martial) to "ver y fallar" (try) the case against the men of the *Competitor*, charged with the crimes of "pirateria y rebelion" (piracy and rebellion).

I had hardly expected that we were to be tried again under the accusation of piracy and rebellion. From an American standpoint the charge of piracy seems absurd, but according to the interpretation that was placed on certain parts of the "dictionario de Puerto Rico y Cuba" (code of criminal procedure existing in Cuba and Puerto Rico) at our recent trial by a "consejo de guerra sumarísimo" (summary court-martial) we might come under the classification of pirates.

In my declaration they insisted on my stating that I would furnish proof of my American citizenship. They seemed to doubt my citizenship because I talked Spanish somewhat fluently. They then wanted to know what kind of proof I could furnish. I had never thought of my citizenship being brought into question, and I was somewhat perplexed. I replied that I did not know, but that I would ask your advice.

I do not know what I ought to do. They said I ought to have a certificate of my birth or baptism. Such a request seems to be absurd. It would require months of time to get either, if, which is very unlikely, either is still in existence.

I was born at Vinland, Kans. In fact, I do not know if births are registered in Kansas, although I suppose they are.

I registered and voted in the Arkansas State election two years ago at my home in Aurora, Ark. If it is positively necessary, I can write to my father and get a deposition made to show my citizenship, but it will require, at the very least time possible, twenty days, and perhaps thirty, to write and receive returns.

I was also asked concerning my papers as a correspondent of the Times-Union of Jacksonville, Fla. At the other trial my credentials were taken from me and never returned, and apparently have been made away with. Gildea read them, and I think



Laborde also. If necessary, William L. Delaney, of Key West, Fla., can produce evidence concerning my credentials.

The naval officer who took the deposition seemed very badly informed. He asked: "Do you see Consul-General Lee every day?" "Certainly not," said I. He seemed surprised, and said: "How often do you see him?"

I do not think that the depositions of any of the *Competitor* men were taken, except of Captain Laborde and I. I shall await your advice.

Yours, most respectfully,

ONA MELTON.

[Inclosure 2 in No. 190.]

*Mr. Ona Melton to Mr. Lee.*

FORT CABAÑA, CALABOZO (CELL) 41,

October 20, 1896.

DEAR SIR: I have not yet received an answer to my letter of the 18th instant, but write this to inform you of the further proceedings in our case.

Yesterday I was again taken to the "cuarto de banderas" to make declaration. I was again asked what proofs I could produce to show that I was an American citizen. I replied that I did not know what would be considered as sufficient proof, but I explained, as I explained to you in my letter of the 18th instant, that to constitute positive proof it would probably be necessary to have a deposition made before a justice of the peace at my home, but that I considered that after the other "consejo de guerra" the United States Government and the Spanish Government and courts of Madrid had accepted me as an American citizen; that it was now late to raise such a question. Then the "juez instructor" asked if you would vouch for my citizenship. I replied that I did not know. Then he asked me if Consul Lee knew me. Again I hardly knew what to answer, and replied that I did not know that you had seen me one time.

He then asked if you had any documents showing that I was an American citizen. At first I replied "No," but on second thought I said that you perhaps had documents from Secretary Olney recognizing me as an American citizen. He asked if I had any protest to make, and I replied that I protested against being tried without being given an opportunity to consult with my consul, and that I did not consider that a trial held inside of Fort Cabaña would be legal, because no representative of the United States consulate was allowed inside of the fort, and that such representative ought to be present at the trial. I said that I protested against being tried by consejo de guerra ordinario (ordinary court-martial), because according to the treaties with the United States an American citizen should be tried in the civil courts. My protest was entered, and the judge instructor announced that these claims would be investigated. As I passed Captain Laborde's cell he called out, "I protested," so I suppose that he entered a protest similar to mine. It was stated that the depositions of the other *Competitor* prisoners would be taken to-day. It is said that if we are tried by the civil court we will have to wait at least eighteen months for our return on the docket. I shall anxiously await your instructions.

Yours, respectfully,

ONA MELTON.

*Mr. Rockhill to Mr. Lee.*

No. 152.]

WASHINGTON, October 28, 1896.

SIR: The Department has received your dispatch No. 190 of the 21st instant, relative to the case of Ona Melton, one of the crew of the captured schooner *Competitor*.

As of possible use to the prisoner in establishing his character of newspaper correspondent to the satisfaction of the Cuban courts, I inclose a certified copy of two affidavits relative to Melton's appointment as correspondent of The Florida Times-Union, of Jacksonville.

I also inclose for your information a copy of a letter on the subject from the general manager of the Times-Union. Copies of these papers were sent on August 5 last to our minister at Madrid for such use as he might be able to make of them in the interest of Melton.

These are the only documents which the Department has received bearing on the matter. It is presumed that Melton has an attorney looking after his case, but you will of course assist him as far as you

can to establish his claim of American citizenship, which, it seems from his note to you, inclosed in your dispatch under acknowledgment, he has so far experienced some difficulty in doing to the satisfaction of the Spanish authorities.

I also inclose a copy of a letter from Mrs. Emmie Laborde, wife of Alfredo Laborde, master of the schooner *Competitor*, this being the only information which the Department has bearing on his citizenship.

I am, etc.,

W. W. ROCKHILL.

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*Mr. Springer to Mr. Rockhill.*

No. 211.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 12, 1896.*

SIR: I have been informed by the sister of Laborde, one of the *Competitor* prisoners, that he was yesterday afternoon, at the time of her weekly visit to him, seized with cerebral congestion and removed to the old military hospital of this city.

Charles Leavitt, another of the prisoners, was removed several days ago to the same hospital, supposed to be ill with yellow fever, but it seems to be a sort of prison fever, induced by confinement and insufficient food.

Ona Melton, it is stated, is greatly reduced for the same reasons.

I am, etc.,

J. A. SPRINGER.

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*Mr. Springer to Mr. Rockhill.*

No. 212.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 14, 1896.*

SIR: I have the honor to acknowledge the receipt of your instruction No. 152, of 28th ultimo, covering certified copies of affidavits relative to the appointment of Ona Melton, one of the *Competitor* prisoners, as correspondent of the Florida Times-Union, of Jacksonville.

These documents, after having been translated and a certificate of same affixed, I transmitted on the 11th instant to the Governor and Captain-General, with the request that they be forwarded to the court having cognizance of Melton's case, as they had been furnished by the Department of State, to be of use to him to establish before the court his character of a newspaper correspondent.

I have received a note from the Secretary of the General Government that the documents were transmitted the same day to the commandant general of marine, admiral commanding this naval station, being the authority having cognizance of the case of the seizure of the schooner *Competitor*.

I am, sir, your obedient servant,

JOSEPH A. SPRINGER.

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*Mr. Springer to Mr. Rockhill.*

No. 220.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 18, 1896.*

SIR: With reference to the case of the *Competitor* prisoners, I herewith transmit a copy of a letter received this morning from Ona

Melton respecting the continuation of the trial of himself and the other prisoners and the information given him by the judge that the case would be settled very soon.

I am, etc.,

JOSEPH A. SPRINGER.

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[Inclosure in No. 220.]

*Mr. Ona Melton to Mr. Springer.*

FORT CABANA, CELL 41, *November 16, 1896.*

DEAR SIR: The trial of the *Competitor* prisoners by ordinary naval court-martial in the "cuarto de bandera" in Fort Cabana was continued yesterday before the Naval Judge Instructor Fernandez Lopez Saul and the full depositions of Dr. Vedia, Jorge Ferran, Teodoro Maza, and myself were taken. As far as I know, nothing new or different was developed by these depositions from those made in the previous court-martial of May.

The "juez instructor" told me personally that the case would be settled very soon.

I take the first opportunity to inform you of this, as I was requested to write to the consulate whenever anything new occurred, to keep the consulate informed. This was before General Lee left.

I protested against the method of procedure when the trial began a few weeks ago, but really I suppose it makes but little difference about the method of trial, as I fancy that the Spaniards have decided beforehand what they intend doing with us, and the trial will be a mere form.

I am, etc.,

ONA MELTON.

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*Mr. Rockhill to Mr. Springer.*

No. 165.]

WASHINGTON, *November 19, 1896.*

SIR: I inclose for your information and such action as the exigency of the case demands, a copy of a letter from Mrs. Emmie Laborde, transmitting a communication from Alfred Laborde, master of the *Competitor*, relative to a new trial of the men of the *Competitor*.

I am, etc.,

W. W. ROCKHILL.

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*Mr. Springer to Mr. Rockhill.*

No. 223.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 20, 1896.*

SIR: I have the honor to inform the Department that on the 14th instant I received from Mrs. Emma Laborde, of Key West, a copy, certified by the collector of customs of that port, of the oath and appointment of her husband as master of the American schooner *Competitor*.

I returned this certificate to the collector, with the request that he procure the authentication of his signature by the Spanish consul, believing that the document would be more valid before the court here, and also forestall any objection that might be offered for the want of such formality.

The certificate has been returned duly indorsed, and I have transmitted it to the Governor-General, with the request that it be forwarded to the court having cognizance of Mr. Laborde's case.

In her letter, Mrs. Laborde states that she had been informed by the

collector that the Spanish consul had also obtained a certificate regarding her husband, and the port he had cleared for, Miami.

I am, etc.,

JOSEPH A. SPRINGER.

*Mr. Springer to Mr. Rockhill.*

No. 226.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 23, 1896.*

SIR: Referring to dispatch No. 223, of the 19th instant, I have to inform the Department that the copy of the oath and appointment of Alfred Laborde as master of the schooner *Competitor*, transmitted by this office to the General Government, has been forwarded to the commandant-general of marine, the admiral commanding this naval station, which authority has cognizance of the case of the capture of the said vessel.

I am, etc.,

JOSEPH A. SPRINGER.

P. S.—Mr. Laborde sent me a message, that he had been well treated while recently in the hospital (as reported in No. 211, November 12), and had been returned to the "Cabaña" at his own request.

J. A. S.

[Telegram.]

*Mr. Springer to Mr. Rockhill.*

HABANA, *November 26, 1896.*

Am informed that the declarations of *Competitor* prisoners are being taken again by ordinary marine court-martial. Confrontation of the master of the *Competitor* with witnesses day before yesterday lasting five hours. Shall I enter a protest even against preliminary proceedings by the naval authorities or the military authorities?

*Mr. Springer to Mr. Rockhill.*

No. 234.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, November 26, 1896.*

SIR: I have the honor to confirm the following telegram, transmitted this morning.<sup>1</sup>

I understand that these preliminary proceedings are intended as investigatory, the case being in "sumario" (the nearest equivalent of which is taking declarations for a grand-jury indictment). But in the case of Sanguily, the United States declined to recognize the validity of the military jurisdiction in preliminary or at any stage of the proceedings.

I am, etc.,

JOSEPH A. SPRINGER.

<sup>1</sup>See telegram of November 26, 1896.

*Mr. Springer to Mr. Rockhill.*

No. 246.] UNITED STATES CONSULATE-GENERAL,  
Habana, December 3, 1896.

SIR: I have the honor to acknowledge the receipt of your cablegram, reading:

WASHINGTON, D. C., November 28.

I do not believe that protest at this preliminary stage of proceedings against "Competitor" prisoners can be of any avail. Obtain conclusions of preliminary inquest as soon as they are reached and cable Department. Watch all proceedings carefully.

ROCKHILL.

With respect to the prisoners, after the usual formalities a clerk from this office was allowed to visit them yesterday morning. He reports that Laborde returned from the hospital on November 26. All the prisoners had again made declarations before the military judge of instruction, Laborde having declared four times and Melton three times. Nothing is yet known respecting the conclusions of the preliminary examination. Their treatment and food continue the same.

I am, etc.,

JOSEPH A. SPRINGER.

*Mr. Springer to Mr. Rockhill.*

No. 251.] UNITED STATES CONSULATE-GENERAL,  
Habana, December 5, 1896.

SIR: I have the honor to inform the Department that I received from Mr. William L. Delaney, of Key West, an affidavit, made at Aurora, Ark., respecting the American citizenship of D. W. Melton, and birth of Ona Melton, one of the *Competitor* prisoners, which I sent to the Governor-General to be transmitted to the court having cognizance of the case of said *Competitor* prisoners.

I am, etc.,

JOSEPH A. SPRINGER.

*Mr. Springer to Mr. Rockhill.*

No. 260.] UNITED STATES CONSULATE-GENERAL,  
Habana, December 15, 1896.

SIR: I have the honor to transmit herewith copy of a letter received from Alfred Laborde, one of the *Competitor* prisoners, respecting certain phases of his examination by the authorities in the prosecution of the case against him.

I am, etc.,

JOSEPH A. SPRINGER.

[Inclosure in No. 260.]

*Mr. Laborde to Mr. Springer.*

FORT CABAÑA, December 11, 1896.

SIR: I beg to inform you that yesterday afternoon I was ordered by the actual military judge of the prosecution of the *Competitor's* crew to dress a military's suit, with the purpose of being recognized by some one. Of course I formally protested of such act and refused to be disguised that way. He answered immediately that he was going to compel me by force, and fearing to become the victim of his brutality, I obeyed. As he did not allow my protest to be considered, I hurry to let you know this, and afford a proof in the way justice is dealt with me.

I am, sir, your humble servant,

ALFRED LABORDE, *Master.*

PERSONS CLAIMING AMERICAN CITIZENSHIP CAPTURED  
ON THE COMPETITOR.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO RESOLUTION OF THE SENATE OF FEBRUARY 6,  
1897, A REPORT FROM THE SECRETARY OF STATE IN REGARD  
TO THE PERSONS CLAIMING AMERICAN CITIZENSHIP CAP-  
TURED ON BOARD OF THE COMPETITOR.

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FEBRUARY 23, 1897.—Referred to the Committee on Foreign Relations and ordered  
to be printed.

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*To the Senate:*

I transmit herewith, in response to the resolution of the Senate of February 6, 1897, a report from the Secretary of State in regard to the persons claiming American citizenship captured on board of the *Competitor*.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*Washington, February 23, 1897.*

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The PRESIDENT:

Referring to the resolution of the Senate of the 6th instant of the tenor and terms following:

*Resolved*, That the Senate, being informed by common rumor and by testimony taken by the Committee on Foreign Relations, that a vessel of the United States called the *Competitor* has been captured by a Spanish ship of war, and that one or more citizens of the United States were captured on board said vessel and have been tried and condemned to death by a military tribunal in Cuba, and are now in prison at Habana awaiting the execution of the sentences; and the Senate having instructed said committee to inquire into and make report respecting the rights of said citizens under the treaties existing between the United States and Spain and under the laws of nations, the President is requested, in conformity with section two thousand and one of the Revised Statutes, to inform the Senate whether any such capture has been made by a Spanish war ship, and whether any citizen of the United States has been captured on or near such vessel, and "has been unjustly deprived of his liberty by or under the authority of" the Government of Spain, and whether the President forthwith demanded of Spain the reason of such imprisonment, and, if such imprisonment is unlawful, and if such sentence to death violates the laws of nations or

the treaties with Spain, whether the President has demanded the release of such citizens.

And that the President communicate to the Senate all the facts and proceedings relative to such capture, sentence and imprisonment of such citizens as soon as practicable, in accordance with the statute in such cases made and provided, as follows:

"Sec. 2000. All naturalized citizens of the United States while in foreign countries are entitled to and shall receive from the Government the same protection of persons and property which is accorded to native-born citizens.

"Sec. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign Government it shall be the duty of the President forthwith to demand of that Government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress."

I have the honor to state that practically all the information called for by the resolution has been submitted to the President, and was by the President transmitted to the Senate January 22, 1897, as will appear by reference to Senate Document No. 79, Fifty-fourth Congress, second session, and that since that date nothing has taken place of consequence either in the way of information received or correspondence exchanged.

Respectfully,

**RICHARD OLNEY.**

DEPARTMENT OF STATE,  
*February 20, 1897.*

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ALFREDO LABORDE AND OTHERS.

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JULY 14, 1897.—Ordered to be printed.

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Mr. DAVIS, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. R. 62.]

The Committee on Foreign Relations, to whom was referred Senate resolution No. 149, presented by Mr. Berry, submit the following report:

On the 25th day of April, 1896, the schooner *Competitor*, a regularly documented American vessel, was captured by a Spanish gunboat at a place alleged to be within the territorial waters of Spain, a few miles west of Habana. The following persons, being then on board of her, were taken prisoners, viz, Alfredo Laborde, Ona Melton, and William Gildea. Laborde claims to be a native of New Orleans, La. He was the regularly licensed master of the vessel, and to be such must have been a citizen of the United States. William Gildea acted as mate, but was born in Liverpool, England. Ona Melton was born at Vinland, in the State of Kansas, and he voted at Aurora, in the State of Arkansas, in 1894.

The circumstances preceding and attending the capture of the vessel and these men are stated in the affidavit of Laborde, Melton, and Gildea, made May 8, 1896, to be as follows:

The vessel belonged to Mr. Joseph Well, of Key West, and had a regular license. Laborde cleared her at the Key West custom-house, with 4 others besides himself as crew, 5 in all, and took on board 24 men as passengers for Lemon City, Fla., at \$2 each. When in the neighborhood of Cape Sable, on the 22d of April, 1896, these passengers forcibly took charge of the ship, and 6 of them came into the cabin to make him surrender the vessel. This he did at the muzzle of a pistol presented at his breast by one of them named Taboada. They ran the schooner to Cape Sable and there took on board 25 men with arms and munitions, and informed Laborde that between Cape Sable and Rebecca Light they expected to meet a steamer with more men and arms for Cuba.

When they arrived off Rebecca Light, Laborde told them that the schooner could not go into the Gulf on account of her bad condition, but Taboada, who acted as pilot, told him to shut up, and overpowered



his objections. The vessel reached Cuba, near Berracos, San Cayetano, on the 25th of April, and immediately landed her cargo and passengers by boats. The passengers forced Laborde to go in the first boat, with one of the crew and 19 men, all of whom landed and escaped. He went back on board and another lot landed. At this time they were sighted by a Spanish tug or steam launch. He ordered the American flag to be set. While William Gildea, the mate, tried to set it, he found the halyards foul, and being shot at twice, he threw the flag down. Laborde then held the flag against the rigging so it could be seen.

No shot was fired from the schooner, for they had no arms, although the passengers who had gone ashore had arms, and, as Laborde also understood, dynamite. No effort was made by Laborde or the others to escape with the passengers, because they had been forced into their existing situation. The captors put Laborde into what is called a Spanish windlass by tying his wrists together and then drawing the rope tight by a stick thrust through, which caused great torture and made his wrists swell. The *Competitor* and the captives were immediately taken to Habana, and the latter were placed in prison, where they have ever since remained.

These affidavits are not contradicted by any statements in the message and accompanying documents transmitted by the President to the Senate, nor do these papers present any evidence as to whether the *Competitor*, when seized, was within 1 marine league of the coast of Cuba.

The case was considered by the Spanish authority to be one of admiralty jurisdiction, and accordingly, upon the 1st day of May, 1896, a summary naval court-martial was constituted for their trial for crimes designated, by reference and allusion in the copies of official documents which are in the possession of this committee, as piracy and rebellion. No copy of the charges has, so far as your committee can ascertain, ever been furnished to this Government, though frequently requested.

Against the jurisdiction and competency of this tribunal and method of procedure the American consular representative at Habana, under instructions from the Department of State, most earnestly protested on the same day, insisting that the case should be tried under the seventh article of the treaty with Spain, concluded in the year 1795, and under the protocol to said treaty of 1877, and that it should not be tried by a summary court-martial, or by any other form of procedure not adjusted to the terms of the treaty. He also insisted that Laborde, being the master, and Gildea, the mate of the vessel, were, according to paragraph 171 of the Consular Regulations, entitled to the protection of the United States.

The admiral to whom this protest was made, and who was the official in whom the Spanish jurisdiction in the premises seems to have rested, while expressing a willingness to furnish a copy of the charges against the men to the American consul as had been demanded, seems never to have done so. Their trial took place within fifteen hours after he made this offer. The admiral, acting under the advice of the Spanish judge-advocate, denied the validity of these objections and protest upon the ground that neither Article VII, of the treaty of the 27th of October, 1795, nor the protocol of 1877 applied to the case, for the reason, as he asserted, that foreigners must be tried by the same courts having cognizance of Spanish subjects, according to the local law relating to foreigners, of the 4th of July, 1870, and because that, whatever interpretation and scope may be given to the treaty and the protocol construing it, the latter, from the beginning, embraces only resident American citizens.

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To this last contention as to the protocol the American consul very properly replied that Article VII of the treaty of 1795 imposes no condition of residence either on Spanish subjects in the United States or on American subjects resident in the dominions of Spain; for were it so the status of American citizens could be taken away from thousands of Spaniards in the United States, who visit both countries every year as merchants, manufacturers, traders, and tourists. He also interposed to this contention of the Spanish admiral the very decisive objection that the protocol can not detract from the treaty, and that the protocol must be construed to conform to the treaty, and not the treaty to the protocol.

The foregoing is a compendium of demands, protests, objections, and refusals which began before the trial of these men, and which were continued for some time after such trial had been completed by their sentence to death.

They were tried by a naval court-martial of the most summary character, on the 8th day of May, 1896, the trial lasting but a few hours. They had no opportunity to summon or examine witnesses, or to be defended by counsel of their own selection. They were not tried separately but together, and, it seems, with several other persons. The evidence against them consisted solely of the testimony of Captain Butron and the other officers of the *Mensajerra*, the Spanish gunboat which had taken them prisoners. A lieutenant of the Spanish navy was assigned to their defense, who asked no questions upon the trial and who produced no witnesses. His summing up consisted of a plea for mercy to the prisoners, although it is said that he stated they were American citizens. There was an interpreter present, but he did not make his presence known to the prisoners until they were asked if they had anything to say in their own defense. This was after the summing up of the prosecution, and of course was after the evidence, both of which were given in Spanish and were not translated to the prisoners.

The naval officer who was appointed to defend them did not communicate to them the substance of the evidence or of the summing up of the prosecutor. It is very evident that this naval officer could not speak English. It appears to the satisfaction of your committee that he did not utter a single word to his clients during the trial, and that he did not say or do anything in behalf of the prisoners, except to ask mercy.

After this mockery of a trial the presiding officer of the court-martial asked Laborde in Spanish what he had to say in his defense. Laborde understood that language. He said a few words. So it went on until the last man was reached, William Gildea, and the presiding officer spoke to him in Spanish. He did not understand, and then the interpreter said, "Do you wish to say anything?" and Gildea then arose and said, "All I have to say is, I do not understand one word which has been said to-day, either for me or against me, and, at any rate, I appeal to both the British and American consuls." Melton said, truly, that he came aboard the schooner as the correspondent of the Jacksonville Times-Union. The trial terminated immediately after these statements were made. The prosecutor moved for a sentence of death and it was straightway pronounced.

The Department of State requested, or demanded, that Spain should not execute the sentence until a copy of the charges and evidence could be furnished to this Government and an opportunity given to investigate the case. The execution of the sentence seems to have been stayed, pending an appeal to the superior tribunals of Spain at Madrid, and the result was that after long delay the judgment of the court-martial

was annulled about September 8, 1896, and a new trial ordered before the ordinary tribunals.

It will be observed that this judgment of reversal proceeds upon the theory that these captives are justiciable in the Spanish courts for crimes alleged to have been committed by them against Spanish laws, and it decided nothing more than that the naval court-martial was not a proper or competent tribunal for their trial. The appellate court merely held that Spain had mistaken her own forum.

Shortly after this decision, Melton, on the 17th of October, 1896, was taken to the guardroom in the prison to make a preliminary deposition, preparatory, as he says, for trial by an ordinary court-martial upon the charge of piracy and rebellion. The first trial had been by a summary naval court-martial. On the 19th of October this procedure was continued, and he was asked, as he had been on the previous day, what proofs he could produce to show he was an American citizen, notwithstanding the fact that it seems to have been conceded throughout the first trial that he was an American citizen.

This mode of examination continued until December 11, 1896, and probably thereafter, for upon that day Mr. Laborde wrote to Mr. Springer, informing him that he had been ordered on the day before by the military judge of the prosecution of the *Competitor* crew to dress himself in a military suit for the purpose of being recognized by someone. Against this requirement Laborde protested, and refused to disguise himself. The military judge immediately answered that he would compel Laborde by force to comply, and, fearing brutality, he obeyed. Since that time no proceedings by way of trial have been had. From the 30th of April or the 1st of May, 1896, down to the present time, a period of more than fourteen months, Melton, Laborde, and Gildea have been in close confinement in the Cabanas prison or fort at Habana.

The portions of the treaty, protocol, Consular Regulations, and statutes having reference to the foregoing statements are as follows:

#### ARTICLE VII.

And it is agreed that the subject or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever; and in all cases of seizures, detention, or arrest for debts contracted, or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular form of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their affairs and in all their trials at law in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials. (Treaty with Spain, 1795.)

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason, or conspiracy against the institutions, the public security, the integrity of the territory, or against the supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but

even in this case the accused shall enjoy for their defense the guaranties embodied in the aforesaid law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney, and advocate, in conformity with the provisions of articles 20 to 31 of the said law; they shall have the right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper, and they shall be permitted to present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain-General, according as the trial may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the above-mentioned law. (Protocol of 1877.)

171. If the consul is satisfied that an applicant for protection has a right to his intervention he should interest himself in his behalf, examining carefully his grievances. If he finds that the complaints are well founded he should interpose firmly, but with courtesy and moderation in his behalf. If redress can not be obtained from the local authorities the consul will apply to the legation of the United States, if there be one in the country where he resides, and will in all cases transmit to the Department copies of his correspondence, accompanied by his report. (United States Consular Regulations.)

Officers of vessels of the United States shall in all cases be citizens of the United States. (Rev. Stat., sec. 4131, p. 795.)

If the uncontradicted affidavits of Melton, Laborde, and Gildea are to be taken as true, and if it is conceded that the vessel was seized and that they were arrested, within 1 marine league of the coast of Cuba, it is equally well established that they were coerced to that point by superior force. Under such circumstances these captives can not be made amenable to the laws of Spain. It is a well-settled principle of international law that the ships and subjects of a neutral nation, which are driven by superior force into prohibited ports or waters of a belligerent, draw upon themselves no penal consequences therefor, but must be allowed freely to depart therefrom; and the carrying of these three men into Cuban waters was as involuntary on their part as if they had been driven thither by storm or stress of weather.

Under the facts and circumstances of this case, it is not competent for Spain to try these prisoners by any military tribunal whatever. Two of the men, Gildea and Laborde, were officers of an American vessel driven under duress into Cuban waters; Melton, a passenger, was an American native citizen before he took passage—a friendly neutral, a noncombatant, not armed in any way, and his character was not changed by the forcible diversion of the vessel from its voyage to Lemon City to the Cuban coast.

They are not amenable to the jurisdiction of any Spanish courts for piracy, for the reason that it plainly appears that they had never committed or could have intended to do any act of robbery or depredation upon the high seas, which acts are the essentials of piracy, and it is clear that no such acts were ever intended by either of these prisoners.

Piracy is an assault upon vessels navigated on the high seas, committed *animo furandi*, whether the robbery or forcible depredation be effected or not, and whether or not it be accompanied by murder or personal injury. (1 Phill., Sec. CCCLVI.)

Piracy, by the law of nations, is defined with reasonable certainty to be robbery upon the seas. (U. S. v. Smith, 5 Wheat., 153.)

By the law of nations, robbery or forcible depredation upon the sea, *animo furandi*, is piracy. (Story Const., §. 1159.)

It is not competent for Spain, by declaring that to be piracy which is not piracy under the definitions of international law, to extend the penalties of that crime, or the jurisdiction of its courts as to piracy, to the

subjects of other nations, or to incorporate in any way its own municipal definition of the crime of piracy into the law of nations to any degree beyond the definition established by international law.

Nor are these prisoners amenable to any Spanish court for the crime of rebellion by reason of any acts committed by them, even if such acts are subjected to the most strict and adverse construction. Allegiance either as a subject or as an alien amenable by residence or presence to the laws of a foreign state is an indispensable element to constitute the crime of treason or rebellion. It is the opinion of your committee that these men never became amenable to the laws of Spain to that intent.

Irrespective of any of the foregoing considerations, the conduct of Spain, as hereinbefore detailed, constitutes such delay and denial of justice and such an actual infliction of injustice upon these men as to make it the duty of this Government to demand reparation therefor, irrespective of any act which these prisoners may have committed up to the date of their capture. Among the acts of reparation which ought to be demanded should be the release of these captives.

The principles which govern the trial of such cases as this were correctly expressed by Mr. Evarts, while Secretary of State, as follows:

It has, from the very foundation of this Government, been its aim that its citizens abroad should be assured of the guarantees of law; that accused persons should be apprised of the specific offense with which they might be charged; that they should be confronted with the witnesses against them; that they should have the right to be heard in their own defense, either by themselves or such counsel as they might choose to employ to represent them; in short, that they should have a fair and impartial trial, with the presumption of innocence surrounding them as a shield at all stages of the proceedings, until their guilt should be established by competent and sufficient evidence. (2 Wharton Dig., p. 623.)

The rights thus defined have been violated in the persons of these prisoners. They have been tried and sentenced to death by a summary naval court-martial in a proceeding which has been annulled by the appellate courts of Spain at Madrid, upon the ground that such a court-martial had no jurisdiction whatever over them. Ten months have elapsed since this death sentence was annulled, and they have not again been brought to trial. In the mean time they have been subjected to protracted preliminary examinations preparatory to their trial by another court-martial, which differs from the first one only in the fact that it is less summary and more formal in its character than the first.

At the first trial they were not allowed to be defended by counsel of their own selection; opportunity or time to produce witnesses was denied to them by the celerity with which that trial was instituted and conducted. They were only defended by a Spanish naval officer, assigned to that duty by the court, who could not or did not speak English, who never spoke to them during the trial, who did not introduce or attempt to introduce any evidence in their behalf, who asked for no delay of the trial, and whose only exertion in their defense was a plea for mercy, which admitted their guilt. Although an interpreter was present, neither the evidence for the prosecution nor the summing up of the prosecutor was translated to them. His presence was not disclosed until after the prosecution had closed its testimony and argument. The only translation made to them was just before the close of these sanguinary proceedings, when they were asked if they had anything to say. Necessarily they had or could have little to say, although one of them, Gildea, protested that he had not understood a word of the proceedings against him by which his life was to be adjudged forfeited. With these protests the trial ended, and the defendants were immediately sentenced to death.

It is now fourteen months since they were arrested, during all of which time they have been held in the Cabañas fortress as prisoners.

Melton and Laborde are unquestionably citizens of the United States. Gildea is a British subject, but he was a sailor upon an American vessel when taken; was acting as its mate, and it is the opinion of your committee that he is entitled to be protected by this Government. He was serving under the flag and he is entitled to be protected by it.

In our opinion these acts of delay and denial of justice, and of the infliction of injustice, vitiate and make void any right which Spain had at the beginning of this transaction to proceed criminally against any of these men. This Government should demand that they be set at liberty and that the *Competitor* be restored to her owner, as there is no evidence that the owner knew anything about the divergence of the vessel from its regular voyage to Lemon City, Fla.

The committee report the accompanying joint resolution as a substitute for the aforesaid Resolution 149 and recommend its adoption.



LIST OF CITIZENS OF UNITED STATES ARRESTED IN CUBA.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES.

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF DECEMBER 21, 1896, A REPORT OF THE SECRETARY OF STATE COVERING A LIST OF PERSONS CLAIMING TO BE CITIZENS OF THE UNITED STATES WHO HAVE BEEN ARRESTED ON THE ISLAND OF CUBA SINCE FEBRUARY 24, 1895, TO THE PRESENT TIME.

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JANUARY 25, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States:*

I transmit, herewith, in response to the Senate resolution of December 21, 1896, addressed to the Secretary of State, a report of that officer covering a list of persons claiming to be citizens of the United States who have been arrested on the Island of Cuba since February 24, 1895, to the present time.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*Washington, January 25, 1897.*

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**The PRESIDENT:**

The undersigned, Secretary of State, having received a resolution passed in the Senate of the United States on December 21, 1896, in the following words—

That the Secretary of State be, and he is hereby, directed to send to the Senate a report of all naturalized citizens of the United States of whose arrest and imprisonment, trial, or conviction, or sentence, either to imprisonment at the penal colony of Centro or elsewhere, he has any information, and that he shall inform the Senate in such report of the persons now held in confinement at Centro and of the charges, briefly stated, on which they were condemned and the nature of the evidence, so far as the same appears on the files of the State Department,

has the honor to lay before the President a list of persons claiming to be citizens of the United States who have been arrested in Cuba since February 24, 1895, to the present date, to the end that, if in the President's judgment not incompatible with the public interest, the same be transmitted to the Senate in response to the foregoing resolution.



## 244 LIST OF CITIZENS OF UNITED STATES ARRESTED IN CUBA.

Since the breaking out of the insurrection in Cuba, on February 24, 1895, to the present time, 74 persons, citizens of the United States, or claiming to be such, have been arrested by the Spanish authorities of the island.

Passports, certificates of naturalization, registration in the consulates of this Government on the Island of Cuba, and service on ships sailing under the flag of the United States, having been alike accepted by our consular officers and the Spanish authorities as prima facie evidence of citizenship establishing the rights of the claimants to the treatment secured to our citizens under our treaties and protocols with Spain, it has been deemed advisable to include in the subjoined list all persons of the classes referred to who have been arrested.

Of the 74 persons arrested, 7 have been tried, namely: Nos. 1, 36, 70, 71, 72, 73, and 74. In the cases of 2 of these (Nos. 1 and 36) appeals have been taken, and in the cases of the other 5, the *Competitor* prisoners, a new trial has been ordered.

Thirty-six persons arrested have been released after the charges against them had been investigated and found to be baseless.

Eighteen have been expelled from the island, after periods of confinement lasting from a few days to nearly a year in the case of José Aguirre (No. 2); while 17 cases are still pending. The charges against 14 of the 17 are as follows:

Nos. 31 and 55, sedition and rebellion.

No. 38, rebellion.

Nos. 37, 40, 61 and 62, rebellion with arms in hand.

No. 43, purchase and concealment of arms and ammunition.

No. 53, disorderly conduct and insults to Spain.

Nos. 70, 71, 72, 73, and 74, landing arms from *Competitor* for insurgents.

In the remaining three cases (Nos. 35, 47, and 52), the nature of the charges having not yet been ascertained, demand has been made both at Habana and Madrid that they be at once formulated and communicated or that prisoners be released.

Mr. Delgado (No. 54) died in hospital at Habana on the 19th instant.

Besides the above 74 cases, 9 correspondents of various newspapers in the United States have been expelled from Cuba by the Spanish authorities, after temporary detention by the military.

No American citizen has been sentenced or is confined at Centro.

Demands have been made upon the Spanish Government in every case where trial seems to be unreasonably delayed that it go forward at once or prisoner be released.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, January 23, 1897.

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*List of American citizens, native and naturalized, arrested and imprisoned in Cuba since February 24, 1895, to date, stating also cause of arrest, charges, place of confinement, whether tried, released, deported, or cases pending.*

1. JULIO SANGUILY, 49 years; native of Cuba; naturalized 1878; arrested February 24, 1895; charge of rebellion; tried November 28, 1895; found guilty and sentenced to life imprisonment; case appealed to supreme court, Madrid. Was also tried on charge of participation in the kidnapping of the sugar planter Fernandez de Castro, in 1894, by the late bandit, Manuel Garcia, and acquitted. Tried for the second time December 21, 1896, for rebellion, the case remanded from Spain, and again sentenced December 28 to life imprisonment; an appeal taken. Has been imprisoned in the Cabana fort.

LIST OF CITIZENS OF UNITED STATES ARRESTED IN CUBA 245

2. JOSE MARIE TIMOTEO AGUIRRE, 52 years; native of Cuba; naturalized 1881; arrested February 24, 1895; charge of rebellion; confined in Cabana fort; acquitted and deported September 6, 1895; went to the United States.
- FRANCISCO PERAZA, arrested at Sagua March 2, 1895; charge of participation in the robbery of some cattle; released March 4, 1895.
4. FRANCISCO CARRILLO, 45 years; native of Cuba; naturalized 1891; arrested at Remedios on February 24, 1895, upon a gubernative order for not having inscribed himself in the register of foreigners in any province of the island; confined in Cabanas fort; released and deported to United States May 29, 1895.
5. JUAN RODRIGUEZ VALDES, native of Cuba; naturalized 1876; arrested at Puerto Principe April 5, 1895; released April 6.
6. JUSTO GENER, 68 years; native of Cuba; naturalized; arrested at Matanzas April 6; released April 9, 1895.
7. JOSE MARIA CARABALLO, 42 years; native of Cuba; naturalized 1877; arrested at Matanzas April 6; released April 9, 1895.
8. MANUEL FUENTES, 33 years; native of Cuba; naturalized 1889; correspondent New York World; arrested at Caimanera April 30, 1895; released May 4, 1895, on condition that he return to United States.
9. MANUEL VARGAS, arrested at Remedios July 3, 1895; released and expelled July 13, 1895; charged with being an agent of the insurgents, etc.; naturalized.
10. DOMINGO GONZALEZ Y ALFONSO, 42 years; native of Cuba; naturalized 1876; arrested at Quivican July 3, 1895; expelled September 3, 1895, for the reason that his presence in the island is a source of danger to the Government.
11. VICTORIANO BULIT PEREZ, 33 years; native of Cuba, of American parents; arrested at Sagua July 12, 1895; accused of "proposing treasonable acts;" released November 8, 1895.
12. JOSEPH A. ANSLEY, 56 years; born in Habana, of American parents; arrested at Sagua August 26, 1895; charge, "presence prejudicial to peace of island;" deported to United States September 21, 1895.
13. AURELIO ANSLEY, 34 years; son of Joseph A. Ansley. Same as above.
14. LUIS ANSLEY, 30 years; son of Joseph Ansley. Same as above.
15. JOHN A. SOWERS, 65 years; native of Virginia. Same as above.
16. CARLOS M. GARCIA Y RUIZ, 28 years; born in the United States; arrested at Sagua September 7, 1895; accused of attempting to join the insurrectionists; released October 7, 1895.
17. JOSE MARTINEZ GONZALEZ, 45 years; native of Cuba; naturalized 1873; arrested at Sagua September 12, 1895; charge of riding on railroad without paying fare; no evidence against him; released September 19, 1895.
18. MARIANO RODRIGUEZ ZAYAS, native of Cuba; arrested Habana September 17; released September 19, 1895; naturalized; no charges.
19. JOSE MARTINEZ MEZA, 41 years; native of Cuba; naturalized 1878; arrested at Habana September 17, 1895; released September 19, 1895; no charges.
20. EUGENE PELLETIER, 42 years; native of Cuba; naturalized 1877; arrested at Cienfuegos December 5, 1895; charged with recruiting for the insurrection; released, under surveillance, May 17, 1896.
21. JOSEPH J. TRELLES, native of Cuba; naturalized; arrested at Matanzas December 24, 1895; released December 26, 1895; no charges.
22. MANUEL M. (or W.) AMIEVA, 39 years; native of Cuba; naturalized 1878; arrested at Matanzas December 24, 1895, as a suspect; released December 31, 1895; no charges.
23. SOLOMON, CHAS. S., native of the United States, arrested and released.
24. MARCOS E. RODRIGUEZ, 57 years; native of Cuba; naturalized 1875; arrested January 17, 1896, on board American steamship *Olivette*; charge, aiding the rebellion, sedition, etc.; released April 1, 1896.
25. LOUIS SOMEILLAN, sr., 58 years; born in Cuba; naturalized Key West 1878; arrested January 17, 1896, at Habana; released April 1, 1896; charge, aiding rebellion, sedition, etc.
26. LOUIS SOMEILLAN, jr., 36 years; born in Habana, son of above; arrested January 17 at Habana; released April 1, 1896; charge, aiding rebellion, sedition, etc.
27. LADISLAW QUINTERO, born in Key West; made a prisoner of war February 22, 1896, at Guatao, where he had been wounded by Spanish troops; released April 11, 1896.
28. WALTER GRANT DYGERT, 25 years; born in the United States; arrested February 23, 1896; imprisoned at Guines; supposed to be insurgent leader El Inglesito; finally released and sent to United States April 24, 1896.
29. Rev. ALBERT J. DIAZ, native of Cuba; naturalized; arrested at Habana April 16, 1896, charged with forwarding rebel correspondence; confined at police headquarters; expelled April 16, 1896; accused of abetting insurrection.
30. ALFRED DIAZ; brother of above; arrested, same charge; both of the Diazes were released April 22, 1896, on condition of leaving the country; went to Key West.

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31. JOSEPH L. CEPERO, native of Cuba; naturalized 1881; arrested prior to January 20, 1896, on board steamer from Cienfuegos to Batabano; case now pending before civil court Santa Clara; confined in Santa Clara prison; charge, sedition, rebellion, etc.
32. LUIS MARTINEZ, arrested about March 1, 1896; charged with treasonable correspondence; released April 13, 1896, on \$400 bail; naturalized 1873.
33. WILLIAM A. GLEAN, native of Cuba, of American parents; arrested at Sagua April, 1896; charge, rebellion; military jurisdiction inhibited in favor of civil July 28, 1896; released and returned to the United States.
34. LOUIS M. GLEAN, brother of the above; same as above.
35. FRANK J. LARRIEU, native of Cuba; naturalized; arrested at Cardenas May 15, 1896; case pending; charges not made known.
36. LOUIS SOMEILLAN, 58 years; native of Cuba; naturalized; arrested July 7, 1896, for second time; charge, aiding rebellion; turned over to civil court, is confined in city prison; trial held January 8, 1897; sentenced January 13 to imprisonment in chains for life; appeal taken.
37. MANUEL FERNANDEZ CHAQUEILO, 19 years; native of Key West; captured July 9, 1896; was the companion of Charles Govin; is in Cabana fort; case pending, under military jurisdiction; charge, "rebellion with arms in hand."
38. GEORGE W. AGUIRRE, 25 years; born in the United States; captured by a Spanish gunboat July 10, 1896; case pending before civil court of Jaruco; confined in Cabana fort; charge of rebellion.
39. SAMUEL T. TOLON, 45 years; native of Cuba; naturalized 1878; arrested on board American steamer *Seneca* September 3, 1896; incommunicado twenty-two days; charged with being a delegate to the Cuban Junta; released and deported September 30, 1896; went to New York.
40. OSCAR CESPEDES, 20 years; native of Key West; captured without arms in insurgent hospital near Zapata swamp about September 5, 1896, imprisoned at San Severino fort, Matanzas; question of competency between military and civil jurisdiction decided in favor of military; case pending.
41. FRANCISCO E. CAZANAS, arrested as suspect at Matanzas October 14, 1896; released October 16, 1896.
42. ALFRERDO HERNANDEZ, 44 years; native of Matanzas; naturalized 1876; arrested at his house at Habana September 6, 1896; suspicion of being concerned in the insurrection; expelled September 23, 1896; went to Key West.
43. ANTONIO SUAREZ DEL VILLAR, native of Cuba; naturalized; arrested at Cienfuegos September 5, 1896; charged with purchase and concealing of arms and ammunition; case sent to civil jurisdiction December 23, 1896; in prison at Cienfuegos; case pending.
44. JOSE CURBINO, native of Cuba; naturalized; arrested at Rincon, September 18, 1896; surrendered to military authorities without arms; released and is residing at Santiago de las Vegas.
45. JOSEPH AUSTIN MUNOZ, native of New Orleans; arrested at Matanzas September 18, 1896; released September 19; claimed that arrest was by mistake.
46. RAMON RODRIGUEZ, native of Cuba; naturalized; arrested September 20, 1896, upon requisition from governor of Matanzas; had been in insurrection; surrendered and failed to report regularly; sent to Cardena and released.
47. ESTEBEN VENERO, 22 years; native of Cuba; naturalized 1895; arrested at Los Palos (Habana province) about September 22, 1896; charges not stated; Captain-General asked for evidence of American citizenship on December 9, which was sent him; case pending cognizance of military or civil jurisdiction.
48. ADOLFO TORRES, native of Cuba; naturalized; arrested October 4 at Sagua; charges not stated; release ordered November 23, 1896, question of competency not established; released November 26, officer remarking "we have no charges against you."
49. ESTEBEN CESPEDES (colored), born in Cuba; naturalized Key West, 1891; arrested October 13, 1896, charged with naniguismo (voodoo); expelled November 7, and went to Key West.
50. RAMON CRUCET, 48 years; born in Cuba; naturalized 1873; arrested in Colon November 1, 1896; charges, public censure of acts of Spanish Government; released December 18, 1896; no grounds of complaint.
51. LOUIS LAY, 18 years; native of Cuba, of American parents; arrested November 9, 1896, during a raid upon a social club in Regla; confined in Cabana fort; case ordered to be transferred to civil court at Guanabacoa, December 23; charges, aiding rebellion. Released January 15, 1897.
52. JOSE GONZALEZ, 63 years; native of Bejucal, Cuba; naturalized 1882; arrested at Las Mangas November 10, 1896, taken to prison at Pinar del Rio; charges not yet made known to consulate-general, Habana.
53. THEODORE L. VIVES, native of Cienfuegos; naturalized 1891; arrested November 19, 1896; charges, first disorderly conduct and then insults to Spain; case pending cognizance of military or civil jurisdiction; is confined in jail.

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54. HENRY J. DELGADO, native of the United States; captured about December 10, 1896, at an insurgent hospital in Pinar del Rio province, after having been ten weeks in a hut sick; sent to Havana to Cabana fort; removed to hospital December 28, 1896, where, our consul-general reports, he received best medical attention; died in hospital January 19, 1897.

55. GASPAR A. BETANCOURT, 63 years; native of Cuba; naturalized 1877; arrested December 26, 1896, confined at police headquarters incommunicado, charged with sedition.

56. FERNANDO PINO HERNANDEZ, 19 years (colored); native of Key West; charged with naniguismo (voodoo); ordered to be expelled December 30, 1896; will be sent to Key West.

57. AMADO PINO HERNANDEZ, 21 years; brother of the above; same as above.

58. JOSE ANTONIO IZNAGA, native of Cuba; naturalized; expelled in August, 1896; no report.

59. AUGUST BOLTON, naturalized 1893.

60. GUSTAVE RICHELIEU, naturalized 1870; taken in a boat near Santiago de Cuba about February 23, 1896; released from prison about March 1, 1896; subsequently rearrested and recommitted for leaving Guantanamo without permission; consul considers second arrest an excuse for detention; release granted shortly after.

61. FRANK AGRAMONT, and 62. THOS. JULIO SAINZ, arrested with arms in their hands, May, 1896; charge, rebellion; to be tried for armed insurrection against the Government; Santiago de Cuba.

63. JOHN D. FERRER, no evidence against him; released March 23, 1896; naturalized at New York, 1878.

64. PEDRO DUARTE; 65. JORGE CALVAR, and 66. RAMON ROMAGOSA, arrested at Manzanillo for alleged conspiracy in insurrection; expelled August 11, 1896.

67. DONALD B. DODGE or F. M. BOYLE, arrested at Santiago de Cuba August 2, 1896; charge rebellion; (consul thinks his mind unbalanced;) released August 31, 1896, and sailed for the United States; native of New York.

68. BERT S. SKILLER, arrested at La Caleta, in open boat, April 28, 1896; released at Baracoa September 3, 1896.

69. MANUEL COMAS, arrested October 25, 1896, and released.

70. ALFRED LABORDE, native; arrested on steamer *Competitor* April 25, 1896; charge, landing arms for insurgents; confined in Cabana fortress; condemned to death May 8; order suspended; new trial opened May 11, 1896.

71. WILLIAM GILDEA, naturalized; same as above.

72. ONA MELTON, native; same as above.

73. CHARLES BARNETT, native; supposed to be one of *Competitor* crew; captured on land; same as above.

74. WILLIAM LEAVITT, British subject; supposed to be one of *Competitor* crew; captured on land; same as above.

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*List of newspaper war correspondents who have been expelled from the island.*

WILLIAM MANNIX, native of United States; expelled as a dangerous alien, etc., February 11, 1896.

SYLVESTER SCOVEL, World, native of United States; reported that he had arrived from insurgent lines, and it was intended to deport him in January; reported January 20 that he had returned to insurgent lines.

CHARLES MICHELSON and LORENZO BETANCOURT, correspondent and interpreter of New York Journal; arrested February 25; confined in Morro Castle; released February 27, 1896; charged with having communicated with insurgents by passing through Spanish lines at Marianco, etc.

ELBERT RAPPLEYE, Mail and Express; expelled March 26, 1896, for sending news to his paper which was false and disparaging to the authorities in the island.

JAMES CREELMAN, World, born in Canada; expelled May 5, 1896, for sending to paper false reports touching the insurrection.

F. W. LAWRENCE, Journal, born in the United States; expelled May 5, 1896, same cause as above.

WILLIAM G. GAY, World; native of New York. Expelled June 27; went to New York.

THOMAS J. DAWLEY, war correspondent; native of New York. Arrested several times between March 24, 1896, and July 3, on suspicion; charges, "taking views of forts and conspiring to blow up same with dynamite;" confined thirteen days in Morro; released.



GASPAR A. BETANCOURT.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF FEBRUARY 4, 1897, A REPORT OF THE SECRETARY OF STATE, SUBMITTING CORRESPONDENCE RELATIVE TO THE ARREST AND DETENTION OF GASPAR A. BETANCOURT, A CITIZEN OF THE UNITED STATES BY THE SPANISH AUTHORITIES IN CUBA.

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FEBRUARY 11, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States:*

In response to the resolution of the Senate of February 4, 1897, I transmit a report from the Secretary of State, submitting copies of correspondence relative to the arrest and detention of Gaspar A. Betancourt, a citizen of the United States, by the Spanish authorities in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*Washington, February 11, 1897.*

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**THE PRESIDENT:**

In response to the resolution of the Senate of the United States of February 4, 1897, reading as follows:

*Resolved*, That the President is requested, if it is not in his opinion incompatible with the public interest, to inform the Senate whether Gaspar Betancourt, a citizen of the United States, is held in prison by the Spanish authorities in Cuba, and the grounds of the arrest and detention; and that he will also inform the Senate whether the release of said Betancourt has been demanded, and when and how often such demand has been repeated, and what answer has been made to the same—

the Secretary of State has the honor to submit copies of correspondence relating to the subject, with a view to its transmission to the Senate if deemed not incompatible with the public interests.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
*Washington, February 10, 1897.*

*List of papers relative to the arrest and detention of Gaspar A. Betancourt, a citizen of the United States, in Cuba.*

Mr. Lee to Mr. Rockhill, telegram, December 23, 1896.  
 Mr. Lee to Mr. Rockhill, No. 376, December 30, 1896.  
 Mr. Rockhill to Mr. Lee, telegram, January 2, 1897.  
 Mr. Rockhill to Mr. Lee, No. 196, January 2, 1897.  
 Mr. Lee to Mr. Rockhill, telegram, January 4, 1897.  
 Mr. Lee to Mr. Rockhill, No. 286, January 6, 1897.  
 Mr. Rockhill to Mr. Lee, telegram, January 15, 1897.  
 Mr. Lee to Mr. Rockhill, No. 306, January 16, 1897.  
 Mr. Rockhill to Mr. Lee, telegram, January 19, 1897.  
 Mr. Lee to Mr. Rockhill, telegram, January 19, 1897.  
 Mr. Lee to Mr. Rockhill, telegram, January 22, 1897.  
 Mr. Lee to Mr. Rockhill, No. 329, January 30, 1897.  
 Mr. Rockhill to Mr. Lee, telegram, February 2, 1897.  
 Mr. Lee to Mr. Rockhill, telegram, February 5, 1897.  
 Mr. Rockhill to Mr. Lee, telegram, February 8, 1897.  
 Mr. Lee to Mr. Rockhill, telegram, February 9, 1897.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, December 28, 1896.

Gaspar A. Betancourt, American citizen, arrested and incomunicado.  
 Charges unknown.

LEE.

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*Mr. Lee to Mr. Rockhill.*

No. 276.]

UNITED STATES CONSULATE-GENERAL,  
 Habana, December 30, 1896.

SIR: I have the honor to confirm my telegram to the Department of the 28th instant. \* \* \* Under the same date I asked the Acting Governor-General to give me the reasons for the arrest of Mr. Betancourt.

I am, etc.,

FITZHUGH LEE,  
 Consul-General.

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*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
 Washington, January 2, 1897.

See that Betancourt well treated and case speedily investigated. His age entitles him to consideration. Cable result.

ROCKHILL.

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*Mr. Rockhill to Mr. Lee.*

No. 196.]

DEPARTMENT OF STATE,  
 Washington, January 2, 1897.

SIR: I append for confirmation a copy of a telegram received from you on the 28th ultimo. You are instructed to take, on behalf of Gaspar A. Betancourt, the usual steps in cases of arrest of American citizens.

I am, etc.,

W. W. ROCKHILL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *January 4, 1897.*

Had already taken steps Betancourt case. Hope to arrange release and departure from island in few days.

LEE.

*Mr. Lee to Mr. Rockhill.*

No. 286.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, January 6, 1897.*

SIR: With reference to my dispatch No. 276, of the 30th December, last, relative to the arrest of the American citizen, Dr. Gaspar A. Betancourt, I have the honor to inclose a copy translation of a communication received from the Captain and Governor-General of this island in answer to mine invoking in behalf of Dr. Betancourt the rights to which he is entitled under the treaty of 1795 and protocol of 12th January, 1877, between the United States and Spain, and also that the question be solved by expelling from this island the said American citizen. It will be observed that the Captain-General states that there being sufficient reasons for the proper courts to take cognizance of Betancourt's case, the proceedings have been referred to the ordinary civil courts of justice, considering his condition of an American citizen.

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*

[Inclosure 1 with No. 286.—Translation.]

## GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

In answer to your courteous notes of the 28th and 31st ultimo and 4th instant, relative to the American citizen Mr. Gaspar A. Betancourt, I have the honor to inform you, that in view of the reports received by this Government and of gubernative proceedings having been initiated against him and others on the charge of sedition, and resulting from the said proceedings that there are sufficient reasons for the proper courts to take cognizance of the same, said proceedings have been referred, as regards Betancourt, to the ordinary courts of justice, considering his condition of a citizen of the United States.

God guard you many years.

VALERIANO WEYLER.

HABANA, *January 5, 1897.*

The CONSUL-GENERAL OF THE UNITED STATES.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 15, 1897.*

In the case Gaspar A. Betancourt insist that charges be immediately communicated to you or man released.

ROCKHILL.



*Mr. Lee to Mr. Rockhill.*

No. 306.]

HABANA, *January 16, 1897.*

I have the honor to confirm the following telegram from you reading:  
[See telegram of January 15].

In compliance therewith I addressed at once a communication to the Governor and Captain-General, and as soon as an answer is received I will transmit it to you.

I am, etc.,

FITZHUGH LEE.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, January 19, 1897.*

Cable reply to Department's cable instruction 15th January.

ROCKHILL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

Asked for information from the Captain-General on 15th to reply to dispatch of that date. I have received no response to communication. Captain-General left this morning with column troops to proceed easterly direction Matanzas. Will demand to-day from the Acting Captain-General reply to unanswered communication. If I do not promptly receive answer, will notify Department.

LEE.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *January 22, 1897.*

Have not succeeded in getting any reply from Captain or Acting Captain-General in reference to the charges against the person named in your dispatch of 15th. Shall I demand his release?

LEE.

*Mr. Lee to Mr. Rockhill.*

No. 329.]

HABANA, *January 30, 1897.*

I have the honor to report that yesterday I visited the jail in this city and found there Dr. Gaspar A. Betancourt, who has now been in confinement about thirty-three days. As reported, this gentleman was kept in solitary confinement, or *incomunicado*, as is called, for two hundred and eighty-eight hours, when first imprisoned, contrary to the treaty between Spain and the United States, which prescribes seventy-two hours as the limit.

I have duly made protests in this case, as in that of others, but no attention has been paid to such protests by the authorities here. This

is the person referred to in your telegram of the 15th instant, in which you direct me to insist that the charges against him be made known or release be demanded. In compliance therewith I addressed at once a communication to the Governor and Captain-General, to which no reply has yet been received, notwithstanding my having again called the attention of the Acting Captain-General to said communication.

On the 22d instant I telegraphed to the Department, reporting that no reply to my communication asking for said charges had been received, and asking if I should proceed in demanding release. I have obtained no answer from the Department to date.

I am, etc.,

FITZHUGH LEE.

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*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, February 2, 1897.

Understand Betancourt's case plainly one mistaken identity. Can nothing be done?

ROCKHILL.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 5, 1897.

Betancourt and Eva Adan will be released. Previous order for latter's release said to have miscarried.

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*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, February 9, 1897.

Referring your cablegram 5th instant, are Betancourt and Eva Adan released?

ROCKHILL.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 9, 1897.

Both Betancourt and Eva Adan at liberty.

LEE.



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SEGUNDO N. LOPEZ.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF FEBRUARY 2, 1897,  
REPORT FROM THE SECRETARY OF STATE RELATIVE TO THE  
KILLING OF SEGUNDO N. LOPEZ, SON OF M. F. LOPEZ, AT SAGUA  
LA GRANDE, IN CUBA.

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FEBRUARY 11, 1897.—Referred to the Committee on Foreign Relations and ordered to  
be printed.

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*To the Senate of the United States:*

In response to the resolution of the Senate of February 2, 1897, I  
transmit a report from the Secretary of State relative to the killing of  
Segundo N. Lopez, son of M. F. Lopez, at Sagua la Grande, in Cuba.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, February 11, 1897.

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The PRESIDENT:

Referring to a resolution of the Senate of the United States of Feb-  
ruary 2, 1897, in the terms following—

*Resolved*, That the Secretary of State be requested to send to the Senate any infor-  
mation that he may have in regard to the killing, by Spanish soldiers, of the son of  
M. F. Lopez, an American citizen, at Sagua la Grande, in Cuba, and any report or  
letter from the American consul at that point relating to the subject—

I have the honor to make the following report, with a view to its trans-  
mission to the Senate if deemed not incompatible with the public  
interests.

It is claimed that Segundo N. Lopez, son of M. F. Lopez and a native  
of Cuba, was an American citizen—a claim which is supported by the  
fact that he was registered as such by the United States consul at  
Cienfuegos. On the other hand, his name is not to be found in the  
register of American citizens kept by the consul-general at Habana.  
The ex parte evidence in the possession of the Department tends to  
show that Lopez, in the middle of April last, was visiting relatives in a  
district of Cuba which he had been accustomed to frequent as an agent

and interpreter of American buyers of tobacco for export; that he was not connected with the insurrection; that on the 11th of said April he was arrested by Spanish troops, being at the time wholly unarmed; that on being asked who he was by the officer in command, he at first replied that he was a "pacífico," and presently declared that he was an American citizen and produced papers which the officers looked at and returned to him; and that within a short time thereafter he was killed by the troops either by or without orders on the part of the officer in command, but so far as known without charges, process, or trial of any sort.

The above brief summary of evidence on file in the Department is submitted because the same was communicated in strict confidence and on the express understanding that no clew should be given to the identity of the witness.

Upon the receipt of the evidence above referred to the consul-general of the United States at Habana was instructed, August 21, 1896, to call upon the Captain-General of Cuba for an investigation of the facts respecting the death of Lopez, and for due punishment of all persons criminally connected therewith. The Captain-General promptly acceded to the request for an examination, and stated that the results when reached would be reported to this Government. Thus far, however, no report on the subject has been received, the last communication from the office of the Captain-General being to the effect that the inquiry was still pending, so that no definite conclusion could be given.

Notice of a demand by the father of Lopez for indemnity for the injuries sustained by him through the death of his son has been duly presented to the Spanish Government through our minister at Madrid.

Respectfully submitted.

**RICHARD OLNEY.**

DEPARTMENT OF STATE,  
*Washington, February 11, 1897.*

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AMERICAN CITIZENS IN PRISON IN CUBA.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF FEBRUARY 24, 1897,  
A REPORT FROM THE SECRETARY OF STATE, COVERING COPIES  
OF THE CORRESPONDENCE AND REPORTS OF THE CONSUL-  
GENERAL OF THE UNITED STATES AT HABANA RELATING TO  
ALL AMERICAN CITIZENS NOW IN PRISON IN THE ISLAND OF  
CUBA NOT PREVIOUSLY REPORTED ON.

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MARCH 1, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate:*

In response to the resolution of the Senate of the 24th ultimo, I transmit herewith a report from the Secretary of State covering copies of the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba not previously reported on.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, March 1, 1897.

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**The PRESIDENT:**

The undersigned Secretary of State, having received a resolution passed in the Senate of the United States on the 24th ultimo, in the following words—

*Resolved*, That the Secretary of State be, and he is hereby, requested to transmit to the Senate either in open or secret session as he may prefer, all the correspondence and reports of the consul-general of the United States at Habana relating to all American citizens now in prison in the Island of Cuba not previously reported on, has the honor to lay before the President a report covering the correspondence requested in said resolution, to the end that, if in the President's judgment not incompatible with the public interest, the same be transmitted to the Senate in response to the foregoing resolution.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, March 1, 1897.

## CORRESPONDENCE.

## ARREST OF SYLVESTER SCOVEL.

1. Telegram, Mr. Lee to Mr. Rockhill, February 6, 1897.
2. Telegram, Mr. Olney to Mr. Lee, February 7, 1897.
3. Telegram, Mr. Rockhill to Mr. Lee, February 7, 1897.
4. Telegram, Mr. Lee to Mr. Olney, February 7, 1897.
5. Telegram, Mr. Lee to Mr. Rockhill, February 8, 1897.
6. Telegram, Mr. Lee to Mr. Rockhill, February 8, 1897.
7. Telegram, Mr. Lee to Mr. Rockhill, February 9, 1897.
8. No. 339, Mr. Lee to Mr. Rockhill, February 10, 1897.
9. Telegram, Mr. Lee to Mr. Rockhill, February 11, 1897.
10. No. 349, Mr. Lee to Mr. Rockhill, February 13, 1897.
11. Telegram, Mr. Lee to Mr. Rockhill, February 16, 1897.
12. No. 354, Mr. Lee to Mr. Rockhill, February 16, 1897.
13. Telegram, Mr. Lee to Mr. Rockhill, February 19, 1897.

## ARREST OF CHARLES SCOTT.

1. Telegram, Mr. Lee to Mr. Rockhill, February 9, 1897.
2. Telegram, Mr. Lee to Mr. Rockhill, February 20, 1897.
3. Telegram, Mr. Lee to Mr. Olney, February 23, 1897.
4. Telegram, Mr. Lee to Mr. Olney, February 23, 1897.
5. Telegram, Mr. Lee to Mr. Olney, February 23, 1897.

## ARREST OF F. J. CAZANAS.

1. Telegram, Mr. Lee to Mr. Olney, February 17, 1897.
2. Telegram, Mr. Rockhill to Mr. Lee, February 23, 1897.
3. Telegram, Mr. Lee to Mr. Rockhill, February 24, 1897.
4. Telegram, Mr. Rockhill to Mr. Lee, February 25, 1897.
5. Telegram, Mr. Lee to Mr. Rockhill, February 25, 1897.
6. Telegram, Mr. Rockhill to Mr. Lee, February 26, 1897.
7. Telegram, Mr. Lee to Mr. Rockhill, February 26, 1897.
8. Telegram, Mr. Lee to Mr. Rockhill, February 27, 1897.

## ARREST OF SYLVESTER SCOVEL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 6, 1897.*

Sylvester Scovel, World correspondent, arrested yesterday, Tunas, Santa Clara province.

LEE.

*Mr. Olney to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, February 7, 1897.*

See that all Scovel's rights as American citizen are protected. Report facts.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, February 7, 1897.

In case Scovel use every exertion; no summary action taken. Great fear is entertained by friends on account previous expulsion from island. Endeavor to have prisoner brought Habana or nearest United States consulate.

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*Mr. Lee to Mr. Olney.*

[Telegram.]

HABANA, February 7, 1897.

Scovel will be sent here; think he was returning from an interview insurgent commander in chief. He is a splendid scout.

LEE.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 8, 1897.

Expect Scovel here on Friday; do not anticipate serious trouble in his case.

LEE.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 8, 1897.

Just seen acting captain-general. Scovel arrested on railroad between Sancti Spiritus and Tunas, Santa Clara Province, coming from insurgent camp. It is supposed he had crinating papers, which gives case more serious aspect. May have to be tried Sancti Spiritus. Am trying to get him sent here. Acting captain-general promises to do what he can in that direction.

LEE.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 9, 1897.

Scovel's case has passed to civil jurisdiction Sancti Spiritus. Acting captain-general says he no longer has authority over it. Will send special messenger there, and will arrange to see that Article IV protocol be strictly complied with.

LEE.



*Mr. Lee to Mr. Rockhill.*

No. 339.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, February 10, 1897.*

SIR: As supplementary to my previous dispatch numbered 338, of yesterday's date, confirming, among others, six telegrams relative to the arrest of Sylvester Scovel, an American correspondent, near Tunas, I now have the honor to inclose copies of my communication to the acting captain-general asking that Scovel be brought to Habana, in compliance with the telegraphic instruction of the Department, and his answer thereto to the effect that Scovel's case had been referred to the civil courts in conformity with the treaty and protocol. Consequently I have addressed a note to the judge of Sancti Spiritus having cognizance of the case, asking that article 4 of the protocol of 1877 be strictly complied with. I have made the same request to the acting captain-general.

To-morrow morning a delegate from me will leave for Sancti Spiritus, accompanied by a competent lawyer, to prepare Scovel's defense and see that his rights are protected. I will advise the Department as soon as any further step is taken in the case.

I am, etc.,

FITZHUGH LEE.

[Inclosure 1 in No. 338.]

*Mr. Lee to Acting Captain-General of Cuba.*

UNITED STATES CONSULATE-GENERAL,  
*Habana, February 8, 1897.*

EXCELLENCY: I have the honor to inform you that Mr. Sylvester Scovel, an American correspondent, has been arrested at Tunas, province of Santa Clara. In compliance with instructions from my Government, I beg your excellency will please instruct the military commandant of said place, or General Luque at Sancti Spiritus, or whatever officer it may correspond, to the end that Mr. Scovel be brought to this capital at the earliest convenience.

I am, etc.,

FITZHUGH LEE.

[Inclosure 2 in No. 338.]

*Acting Captain-General to Mr. Lee.*

[Translation.]

ARMY OF THE ISLAND OF CUBA,  
*Captaincy-General, Staff.*

General Luque informs me by cablegram of the 5th instant that an American citizen, who said his name was Scovel, had been placed at the disposal of the civil jurisdiction; that the said person was arrested on the railroad track coming from the insurgent camp, and is supposed to be the same one referred to by you in your communication of to-day. Consequently, he is now beyond my authority.

I am, etc.,

El Marques de AHUMADA.

HABANA, 8 February, 1897.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, February 11, 1897.

Scovel in well-ventilated cell, good food, and bed at Sancti Spiritus. Treaty rights have been respected. Is in hands civil jurisdiction. I have sent messenger to report case.

LEE.

*Mr. Lee to Mr. Rockhill.*

No. 349.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, February 13, 1897.*

SIR: I have the honor to inclose herewith a copy of a letter received from Mr. Sylvester Scovel, a correspondent of the New York World, recently arrested, and now in prison of Sancti Spiritus.

I am, etc.,

FITZHUGH LEE.

[Inclosure in No. 349.]

*Mr. Sylvester Scovel to Mr. Lee.*CARCEL OF SANCTI SPIRITUS,  
*Santa Clara, Cuba, February 8, 1897.*

DEAR GENERAL: I have had the misfortune to be without a military pass and was apprehended and am now in prison for that reason. I wished to return to Habana and boarded the train for Tunas at the way station of Zaza. The lieutenant of the guardia civil guarding the train had been instructed by General Luque to look out for an "Ingles" without papers. He saw me, and as I unfortunately came under that category he took me into custody and later into jail. I cabled you the same night on arriving at Tunas (February 6) by permission of the very gentlemanly commandante of the port, but have received no answer.

Rafael Madrigal, the United States representative here, has also cabled and has done everything possible for my comfort. He should receive his credentials as soon as possible. He is a good man. All speak well of him.

I have been well treated and have now a well-ventilated cell, a bed, and good food. Who could want more—in prison?

As I don't see just how I have violated Spanish civil law, and as my case has been handed over to civil jurisdiction, I can't quite "figure out" what crime I have committed.

I made my declaration to the "judge of the first instance" yesterday afternoon, and he courteously immediately put me "in communication," so my rights have so far been respected, I fancy.

I frankly told the judge that I had gone into the field without let nor hindrance from any authority in the performance of my legitimate duties as war correspondent, and that I had never comported myself in any other manner.

I feel sure of your help. Remember me most kindly to your family, and believe me,

Yours, respectfully,

SYLVESTER SCOVEL.

Kindly acknowledge receipt.

SCOVEL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 16, 1897.*

Scovel's cell Sancti Spiritus large, clean; is provided with all comforts; more comfortable there than would be here; do not recommend his transfer now. Charged, first, rebellion for travelling in the country without military pass; second, possessing false pass; third, obtaining same; fourth, making use of same. Preliminary proceedings closed; date trial not fixed; no papers found on him, except notes eulogistic Spanish soldier.

LEE.

*Mr. Lee to Mr. Rockhill.*

No. 354.]

UNITED STATES CONSULATE-GENERAL,  
*Habana, February 16, 1897.*

SIR: I have the honor to transmit herewith a copy of a telegram received from Tunas de Zaza, the cable station of Sancti Spiritus, referring to the case of Scovel.

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*

[Inclosure No. 354.]

[Telegram.—Translation.]

TUNAS DE ZAZA. (Received Habana, February 15, 1897.)

LEE, *Consul-General, Habana:*

Scovel treated like a king; his cell in jail ample and clean; consular agent Madrigal providing him with all comforts; authorities courteous; preliminary proceedings concluded; charges: First, rebellion, for traveling in the country without a military pass; he attempted no act of rebellion; second, possessing a false cedula; third, obtaining same; fourth, making use of same. First charge preferred in the bando, declaring state of war. Preliminary proceedings. Leave Friday for Santa Clara. Scovel will remain here until date of trial is designated. I will arrive at Santa Clara to-morrow to activate matter, and thence by train to Habana. Only notes eulogizing the Spanish soldier were found on Scovel. I forward reports and documents, through Madrigal, by steamer leaving to-night.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 19, 1897.*

Competent lawyer obtained of Santa Clara to defend Scovel, who will remain at Sancti Spiritus until trial Santa Clara. Date not yet fixed.

LEE.

#### ARREST OF CHARLES SCOTT.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 9, 1897.*

Charles Scott, American citizen, arrested Regla this morning; charges not yet known.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 20, 1897.*

Charles Scott, a citizen of the United States, arrested Regla; no charge given. Been without communication, jail, Habana, two hundred and sixty-four hours. Can not stand another Ruiz murder and have demanded his release. How many war vessels Key West or within reach, and will they be ordered here at once if necessary to sustain demand?

LEE.

*Mr. Lee to Mr. Olney.*

[Telegram.]

HABANA, *February 23, 1897.*

Situation simple; experience at Guanabacoa made it my duty to demand before too late that another American who had been incomunicado two hundred and sixty-four hours, be released from said incomunicado, and did so in courteous terms. If you support it and Scott is so released the trouble will terminate. If you do not I must depart. All others arrested with Scott have been put in communication. Why should only American in lot not be? He has been incomunicado now three hundred and thirty-eight hours.

LEE.

*Mr. Lee to Mr. Olney.*

[Telegram.]

HABANA, *February 23, 1897.*

Demand complied with. Scott is released from incomunicado.

LEE.

*Mr. Lee to Mr. Olney.*

[Telegram.]

HABANA, *February 23, 1897.*

Scott released from incomunicado to-day on demand, after fourteen days' solitary confinement in cell 5 feet by 11; damp; water on bottom cell. Not allowed anything to sleep on or chair; discharges of the body removed once five days. Was charged with having Cuban postage stamps in the house. Scott says went always twelve hours without water; once two days. He was employee American gas company.

LEE.

#### ARREST OF F. J. CAZAÑAS

*Mr. Lee to Mr. Olney.*

[Telegram.]

HABANA, *February 17, 1897.*

F. J. Cazañas, a citizen of the United States, arrested Sagua 13th. Report from consul forwarded by mail to-day. Proceedings a great outrage. Similar cases here and elsewhere on island. Redress can be obtained here.

LEE.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

WASHINGTON, *February 23, 1897.*

Barker dispatch, relative to Cazañas case, just received. Report upon whole case, facts as to naturalization and citizenship, and what you have done or are preparing to do.

ROCKHILL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 24, 1897.*

Francis Ozañas registered here already; insisted his treaty rights should be respected. Captain-General replied two days ago. Facts in case are being ascertained. Sagua will report result.

LEE.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, *February 25, 1897.*

In Ozañas case you must ascertain and report facts as to residence.

ROCKHILL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 25, 1897.*

Ozañas resides Sagua since registration here 1872. See my cable yesterday.

LEE.

*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
*February 26, 1897.*

Cable copy entry in your registration book concerning Francis Ozañas. Give number of his passport.

ROCKHILL.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 26, 1897.*

Copy entry October, 1872; number 414; Francis J. Ozañas; age 31; single; planter; domiciled Sagua; passport number, 18766; cedula issued November 5; number 5441.

LEE.

*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HABANA, *February 27, 1897.*

Ozañas resided on plantation in Santa Clara Province until May last; since then resided in Sagua; owns property in New York.

LEE.

GUSTAVE RICHELIEU AND AUGUST BOLTEN.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

IN RESPONSE TO SENATE RESOLUTION OF MARCH 26, 1897,  
A REPORT FROM THE SECRETARY OF STATE, WITH ACCOMPANYING PAPERS, RELATING TO THE ARREST AND IMPRISONMENT, AT SANTIAGO DE CUBA, OF THE AMERICAN CITIZENS GUSTAVE RICHELIEU AND AUGUST BOLTEN.

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APRIL 20, 1897.—Referred to the Committee on Foreign Relations and ordered to be printed.

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*To the Senate of the United States:*

In response to the resolution of the Senate of March 26, 1897, I transmit a report from the Secretary of State and accompanying papers relating to the arrest and imprisonment, at Santiago de Cuba, of the American citizens Gustave Richelieu and August Bolten.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,  
Washington, April 19, 1897.

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**The PRESIDENT:**

The undersigned Secretary of State, in response to the resolution of the Senate of March 26, 1897, reading as follows:

That the President be, and is hereby, requested to furnish, if not incompatible with the public interests, for the use of the Senate, copies of all papers, correspondence, diplomatic or otherwise, on file in the Department of State, relating to and in connection with the arrest and imprisonment at Santiago de Cuba of the American citizens and sailors Richelieu and Bolton, excepting so much of the correspondence as is contained in House of Representatives Document No. 224, Fifty-fourth Congress, first session,

has the honor to submit for transmission to the Senate, if not deemed incompatible with the public interests, the correspondence on file in this Department relating to the arrest and imprisonment of Gustave Richelieu and August Bolten.

Respectfully submitted.

JOHN SHERMAN.

DEPARTMENT OF STATE,  
Washington, April 15, 1897.

*List of papers.*

Mr. Gordon to Mr. Olney, June 13, 1895.  
 Mr. Olney to Mr. Gordon, June 18, 1895.  
 Mr. Richelieu to Mr. Olney, September 26, 1895.  
 Mr. Gordon to Mr. Olney, October 2, 1895.  
 Mr. Richelieu to Mr. Olney, October 3, 1895.  
 Mr. Olney to Mr. Gordon, November 1, 1895.  
 Mr. Olney to Mr. Richelieu, November 1, 1895.  
 Mr. Morse to Mr. Olney, November 8, 1895.  
 Mr. Gordon to Mr. Olney, December 27, 1895.  
 Mr. Adee to Mr. Morse, February 24, 1896.  
 Mr. Morse to Mr. Olney, March 11, 1896.  
 Mr. Olney to Mr. Gordon, March 18, 1896.  
 Mr. Olney to Mr. Taylor, No. 483, March 18, 1896.  
 Mr. Gordon to Mr. Olney, March 19, 1896.  
 Mr. Taylor to Mr. Olney, No. 499, April 4, 1896.  
 Mr. Morse to Mr. Olney, July 23, 1896.  
 Mr. Morse to Mr. Olney, August 18, 1896.  
 Mr. Adee to Mr. Morse, August 21, 1896.  
 Mr. Rockhill to Mr. Morse, August 31, 1896.  
 Mr. Rockhill to Mr. Taylor, No. 556, August 31, 1896.  
 Mr. Gordon to Mr. Olney, September 12, 1896.  
 Mr. Rockhill to Mr. Gordon, September 15, 1896.  
 Mr. Rockhill to Mr. Morse, September 29, 1896.  
 Mr. Taylor to Mr. Olney, No. 594, November 4, 1896.  
 Mr. Olney to Mr. Taylor, No. 603, November 10, 1896.  
 Mr. Olney to Mr. Morse, November 19, 1896.  
 Mr. Taylor to Mr. Olney, No. 608, November 21, 1896.  
 Mr. Morse to Mr. Olney, December 2, 1896.  
 Mr. Rockhill to Mr. Morse, December 3, 1896.  
 Mr. Olney to Mr. Morse, December 4, 1896.  
 Mr. Morse to Mr. Olney, December 19, 1896.  
 Mr. Olney to Mr. Taylor, No. 634, January 5, 1897.  
 Mr. Olney to Mr. Taylor, No. 637, January 6, 1897.  
 Mr. Coakley to Mr. Olney, January 27, 1897.  
 Mr. Morse to Mr. Olney, March 1, 1897.  
 Mr. Lodge to Mr. Sherman, March 8, 1897.  
 Mr. Taylor to Mr. Sherman, No. 660, March 9, 1897.  
 Mr. Rockhill to Mr. Morse, March 10, 1897.  
 Mr. Rockhill to Mr. Lodge, March 10, 1897.  
 Mr. Rockhill to Mr. Coakley, March 26, 1897.  
 Mr. Morse to Mr. Sherman, April 10, 1897.  
 Mr. Morse to Mr. Sherman, April 12, 1897.  
 Mr. Rockhill to Mr. Morse, April 14, 1897.

*Mr. Gordon to Mr. Olney.*

NEW YORK, *June 13, 1895.*

DEAR SIR: I inclose herewith and ask your careful consideration of the statement of facts of August Bolten, an American citizen, who was unlawfully and unjustly imprisoned for about two months in Santiago de Cuba. Annexed to the statement is Captain Bolten's certificate of naturalization.

I have talked with Bolten very fully, and believe him to be a man of excellent character. I am convinced that his statements are not in any way exaggerated.

Yours, very respectfully,

DAVID GORDON.

STATE OF NEW YORK, *City and County of New York, ss:*

August Bolten, being duly sworn, deposes and says:

I am a native of Sweden, but emigrated to the United States in the year 1874, being then under 18 years of age. I was duly naturalized a citizen of the United

States of America on the 6th day of March, 1893, by the court of common pleas for the city and county of New York. My occupation is that of seafaring man, and I have followed that occupation for over twenty years.

In the month of October, 1894, I left New York City as mate on the brigantine *Kathleen*, commanded by Capt. De La Croix, carrying a general cargo of merchandise and bound for Port au Prince, Haiti. We reached that port about the middle of November, 1894. My services ended there, and I was paid off at the British consulate, the brigantine having sailed under the British flag.

I then got work in Port au Prince as a painter, being somewhat familiar with that work by occasional experience, and kept at that until I saved sufficient money to buy a fishing boat, and on or about January 20, 1895, I purchased a 15-foot open boat. I intended to sail up to Cape Haitien and fish for green turtles. I engaged Gustave Richelieu, likewise a United States citizen, whom I met in Port au Prince, to go with me. I obtained from the United States consul at that port a certificate or passport for Cape Haitien, and on February 5, 1895, with said Richelieu, I left Port au Prince in my boat, heading for Cape Haitien. We sailed along the coast and had been out about three days (February 8) when a heavy gale struck us, tore our sail to shreds, and so otherwise damaged our boat that we made for the nearest shore, and so managed to reach the Haitien coast at a small place called Cape de la Bay. We landed, and were both immediately arrested by several soldiers and taken before an officer, apparently in command, who, after examining our papers, discharged us. We staid at that place—Cape de la Bay—about twenty-four hours, repaired our boat as best we could, got some provisions, and set out for St. Nicholas Mole, Haiti.

We arrived at the Mole on February 12, 1895. Our papers being for Cape Haitien, we were allowed to remain there (the Mole) long enough to get some provisions, and on the following day (February 13) we started for Cape Haitien. The wind and the current, both very strong, were against us, and we were carried out to sea. We drifted about three days, the last two days of which we had no food and but little drinking water. The Cuban coast was in sight and we made for the nearest port, which was Caimanera (known also as Alligator Bay), reaching there February 16. The captain of the port inspected our papers, looked over our boat, and, being satisfied that there was nothing against us, let us go about our business. We told him of our plight—that we had no provisions or money. He (the captain of the port) sent me to the United States consul at Guantanamo, about 15 miles inland. The consul kindly gave me \$2, told me there was no work to be found there, and advised us to go to Santiago de Cuba as a place where we could more likely get work. And so on Wednesday, February 19, we set sail for that place and arrived on February 23.

We at once reported to the captain of the port. He examined our papers and questioned us through an interpreter fully as to our movements and as to who we were. We answered fully and freely, and explained to him the distressing circumstances which brought us to Cuba. Some conversation in Spanish, which we do not understand, followed between the captain and some other officers. They then searched our boat and our valises, but we had nothing of a suspicious nature. We asked to be directed to the United States consul. The captain sent along with us two guards, who, instead of accompanying us to the consul, as we requested and expected, took us to a prison. Here, against our urgent protests, we were immediately locked up. We had word sent to the United States consul, Dr. Pulaski F. Hyatt, who came to us soon thereafter and succeeded in getting our release. He took us to his office and gave us some supper. While there an officer called and informed the consul that it would be necessary to detain us in prison until news arrived from Port au Prince respecting us. After supper a servant of the consul escorted us to the prison, where we were again locked up.

The following day (Sunday, February 24), we had an examination before a military court, and were told that we would have to remain in prison until the last of March. The United States consul, Dr. Hyatt, was not present—we could not get word to him, and officers refused to notify him of the examination. We were then taken back to prison and separately confined. The room in which I was put was about 50 feet long by 30 feet broad; it was very filthy; it contained about twenty prisoners besides myself; they were men of the lowest description—thieves, ruffians, and murderers. For three weeks I was thus confined, never being let out for one minute during that time, although the other men in my room were allowed to exercise in the jail yard twice a week, and I afterwards learned that prisoners in the other cells were allowed to exercise daily in the jail yard. As a result of my close confinement, I was, at the end of the third week thereof, taken sick with fever and rheumatism. I was transferred to the prison hospital, which was some distance from the jail, and kept under medical care for about ten days. I was then declared to be well, and ordered back to prison. My arms were tied with a rope around my back, and although very weak and barely able to stand I was marched back to prison under a hot, blazing sun, escorted by two soldiers with drawn swords. I begged the jail officers to put me in some less unwholesome quarters than I was before, and they yielded to the



extent of putting me in the same occupied by Richelieu, and I was allowed thereafter to exercise in the jail yard every day. While in the hospital I was informed that my case was transferred from the military court to a civil court. I was kept in jail till April 25, when I was released on condition that I should not leave town, and should report weekly to the judge. On May 3 I was told I could go where I liked.

While we were confined in prison, Dr. Hyatt came to see us about once a week, bringing us newspapers to read and food, and telling us that he was engaged all the time in efforts to secure our liberty.

On May 3, Dr. Hyatt got me a job on the schooner *Elisa Pendleton*, bound for New York, where I arrived on May 29.

I solemnly swear and declare that at no time during the times above mentioned, nor at any other time or place whatsoever, was I engaged in what is called a filibustering expedition against the Spanish Government, or any other government, nor did I ever in my life in any way take part in any revolutionary movement in Cuba or elsewhere.

I am still suffering physically from the effects of my prison experience in Santiago de Cuba. I have not recovered from the attack of rheumatism, which I fear has become chronic.

I learn to-day that Gustave Richelieu has just arrived at New York from the South.

My certificate of naturalization is hereto annexed.

Wherefore deponent respectfully petitions for such relief as the facts above set forth shall be found to warrant.

AUGUST BOLTEN.

Subscribed and sworn to before me this 13th day of June, 1895.

[SEAL.]

HARRY E. STAM,  
Notary Public, Kings County.

(Certificate filed in New York County.)

DAVID GORDON,  
Attorney for Bolten, 60 Wall Street, New York.

UNITED STATES OF AMERICA,  
State of New York, City and County of New York, ss:

Be it remembered that on the 6th day of March, in the year of our Lord 1893, August Bolten appeared in the court of common pleas for the city and county of New York (a court of record having common-law jurisdiction, a clerk, and seal) and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several acts of the Congress of the United States of America for that purpose made and provided; and the said applicant having produced to the said court such evidence, having made such declaration and renunciation, and having taken such oaths as are by the said acts required,

Thereupon it was ordered by the court that the said applicant be admitted, and he was accordingly admitted to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereunto affixed this 6th day of March, 1893, and in the one hundred and seventeenth year of the Independence of the United States.

Per curiam.

[SEAL.]

ALBERT WAGSTAFF, Clerk.

*Mr. Olney to Mr. Gordon.*

DEPARTMENT OF STATE,  
Washington, June 18, 1895.

SIR: I have received your letter of the 13th instant inclosing the affidavit of Mr. August Bolten, a naturalized American citizen, who claims damages of Spain for unlawful imprisonment, lasting two months, imposed on him by the authorities at Santiago de Cuba.

I inclose a copy of the Department's circular relating to claims against foreign governments. If you will have the statement prepared in accordance therewith, it will be presented to the Spanish Government.

The Department, however, thinks it well to remind you that the revolutionary disturbances existing in the part of Cuba where Mr. Bolten and his companion landed and the not unreasonable suspicion of the

authorities that they were in some way connected with a filibustering expedition or the landing of parties to aid the insurgents may render it difficult to procure pecuniary indemnity for him from the Spanish Government.

His naturalization paper is herewith returned.

I am, etc.,

RICHARD OLNEY.

[Translation.]

*Mr. Richelieu to Mr. Olney.*

WASHINGTON, D. C., *September 26, 1895.*

Mr. MINISTER: On the 8th February, 1895, I and my companion, August Bolten, left the port of Port au Prince, Haiti, for Cape Haitien, with our papers in order and a bill of lading, signed by the American legation. We stopped at St. Marc, where I had a duplicate passport viséd, about the 10th or 11th February. From there we sailed for our destination. We were caught in bad weather, and anchored in a small harbor, the name of which I have forgotten. The next evening we sailed again, and in bad weather arrived at St. P. Moole, where we had a very cold reception from the commandant of the port, who ordered us to take in our provisions and be off. We remained there, however, twenty-four hours. His telegraphic operators supplied us with provisions, and, thanks to them, we sailed on the 13th or 14th. The bad weather threw us on the Cuban coast, where we landed at Alligator Bay. It was a Saturday; the date may be found from an almanac. My friend, August Bolten, went up to Guantanamo with one of the officers of the port to see the American consul, who told him that we had better go to Santiago de Cuba, where we could find work or sell the boat. Bolten came back on Monday morning. We sailed immediately and reached that port on the 23d February. The navy commandant immediately had us arrested.

We appealed to the kindness of the American consul, who immediately protested on seeing that our papers were in order and on our telling him what had happened to us at Alligator Bay, which information was given to the Spanish authorities. This did not satisfy them, and the energetic protests of the consul had no effect. We consequently underwent, from the 23d February to the 25th April, sixty-two days of unhealthy imprisonment. Thanks to the kindness of Mr. George Eugene Brisson, the reporter of the New York Herald, we were protected from hunger. My friend Bolten having succeeded in getting on board the American vessel *Templeton* (or *Pemberton*), I was left alone. Mr. Brisson, on the morning of the 11th May, told me to go on board the steamer *Niagara*; that he would come at 2 p. m. to deliver his mail and pay my passage. The Spanish authorities must have prevented him from coming, and as I sailed without a ticket, the mean captain landed me at Nassau, where Mr. Thomas J. McLain, the United States consul at Nassau, was so kind as to have me transported to Key West, paying \$16.50 for my passage. From there I succeeded in reaching New York by the help of a friend. I am now, owing to the rheumatism which I contracted in the prison at Santiago, unable to resume my regular profession.

I have made America my adopted country. I have been a citizen since 1871. I have passed my life in this country. I have served the United States under the first present Administration. What I want

is only a fair indemnity for sixty-two days of imprisonment and for the confiscation of our vessel.

Hoping, Mr. Minister, that you will kindly grant my petition, I am, your respectful servant,

GUSTAVE RICHELIEU,  
(Care of John M. Perreard, 506 Fourteenth street NW.)

*Mr. Gordon to Mr. Olney.*

60 WALL STREET, NEW YORK,  
October 2, 1895.

DEAR SIR: I have been in due receipt of your favor of June 18, 1895, acknowledging receipt of petition of Captain Bolten, making claim against the Spanish Government for unlawful imprisonment in Cuba. With your letter you inclosed a circular of instructions for filing claims against foreign governments, and you kindly advised the preparation of the petition or memorial in accordance with such instructions. This I have endeavored to do, and I inclose herewith the memorial so drawn, duly signed and verified.

Yours, very respectfully,

DAVID GORDON.

*Memorial of August Bolten making claim against Government of Spain.*

[David Gordon, attorney for August Bolten, 60 Wall street, New York City.]

NEW YORK, September 30, 1895.

His Excellency the Honorable GROVER CLEVELAND,  
*President of the United States of America:*

I, August Bolten, memorializing and petitioning your excellency, respectfully show: I am a native of Sweden, but emigrated to the United States in the year 1874, being then under 18 years of age. I am now over 37 years of age. I was duly naturalized a citizen of the United States of America on the 6th day of March, 1893, by the court of common pleas for the city and county of New York. My occupation is that of seafaring man, and I have followed that occupation for over twenty years. I have remained such citizen of the United States ever since, having never transferred my allegiance to any other sovereignty. I now reside at No. 2 Ninth street in the city of Brooklyn, N. Y.

In the month of October, 1894, I left New York City as mate on the brigantine *Kathleen*, commanded by Captain De La Croix, carrying a general cargo of merchandise, and bound for Port au Prince, Haiti. We reached that port about the middle of November, 1894. My services ended there, and I was paid off at the British consulate, the brigantine having sailed under the British flag.

I then got work in Port au Prince as a painter (being somewhat familiar with that work by occasional experience) and kept at that until I saved sufficient money to buy a fishing boat; and on or about January 20, 1895, I purchased a 15-foot open boat. I intended to sail up to Cape Haitien and fish for green turtles. I engaged Gustave Richelieu, likewise a United States citizen, whom I met at Port au Prince, to go with me. I obtained from the United States consul at that port a certificate or passport for Cape Haitien, and on February 5, 1895, with said Richelieu, I left Port au Prince in my boat, heading for Cape Haitien. We sailed along the coast and had been out about three days (February 8), when a heavy gale struck us, tore our sails to shreds, and so otherwise damaged our boat that we made for the nearest shore and so managed to reach the Haitian coast at a small place called Cape de la Bay. We landed, and were both immediately arrested by several soldiers and taken before an officer apparently in command, who, after examining our papers, discharged us. We stayed at that place (Cape de la Bay) about twenty-four hours, repaired our boat as best we could, got some provisions, and set out for St. Nicholas Mole, Haiti.

We arrived at the Mole on February 12, 1895. Our papers being for Cape Haitien, we were allowed to remain there (the Mole) long enough to get some provisions, and on the following day (February 13) we started for Cape Haitien. The wind and the current, both very strong, were against us and we were carried out to sea. We

drifted about three days, the last two days of which we had no food and but little drinking water. The Cuban coast was in sight, and we made for the nearest port, which was Caimanera (known also as Alligator Bay), reaching there February 16. The captain of the port inspected our papers, looked over our boat, and being satisfied that there was nothing against us, let us go about our business. We told him of our plight, that we had no provisions or money. He (captain of the port) sent me to the United States consulate at Guantanamo—about 15 miles inland. The consul kindly gave me \$2, told me there was no work to be found there, and advised us to go to Santiago de Cuba as a place where we could more likely get work. And so, on Wednesday, February 19, we set sail for that place and arrived on February 23.

We at once reported to the captain of the port. He examined our papers and questioned us through an interpreter fully as to our movements, and as to who we were. We answered fully and freely, and explained to him the distressing circumstances which brought us to Cuba. Some conversation in Spanish, which we do not understand, followed between the captain and some other officers. They then searched our boat and our valises, but we had nothing of a suspicious nature. We asked to be directed to the United States consul. The captain sent along with us two guards, who, instead of accompanying us to the consul, as we requested and expected, took us to prison, where, against our urgent protests, we were immediately locked up. We had word sent to the United States consul, Dr. Pulaaki F. Hyatt, who came to us soon thereafter and succeeded in getting our release. He took us to his office and gave us some supper. While there an officer called and informed the consul that it would be necessary to detain us in prison until the news arrived from Port au Prince respecting us. After supper a servant of the consul escorted us to prison, where we were again locked up. The following day (Sunday), February 24, we had an examination before a military court and were told we would have to remain in prison until the last of March.

The United States consul, Dr. Hyatt, was not present. We could not get word to him and officers refused to notify him of the examination. We were then taken back to prison and separately confined. The room in which I was put was about 50 feet long by 30 feet broad. It was very filthy. It contained about 20 prisoners beside myself. They were men of the lowest description—thieves, ruffians, and murderers. For three weeks I was thus confined, never being let out for one minute during that time, although the other men in my room were allowed to exercise in the jail yard twice a week, and I afterwards learned that prisoners in the other cells were allowed to exercise daily in the jail yard. As a result of my close confinement I was, at the end of the third week thereof, taken sick with fever and rheumatism. I was transferred to the prison hospital, which was some distance from the jail, and kept under medical care for about ten days. I was then declared to be well and ordered back to prison. My arms were tied with a rope around my back and, although very weak and barely able to stand, I was marched back to prison under a hot, blazing sun, escorted by two soldiers with drawn swords. I begged the jail officers to put me in some less unwholesome quarters than I was in, and they yielded to the extent of putting me in the same cell occupied by Richelieu, and I was allowed thereafter to exercise in the jail yard every day. While in the hospital I was informed that my case was transferred from the military court to a civil court. I was kept in jail till April 25, when I was released on condition that I should not leave town and should report weekly to the judge. On May 3 I was told I could go where I liked.

While we were confined in prison Dr. Hyatt came to see us about once a week, bringing us newspapers to read and food, and telling us that he was engaged all the time in efforts to secure our liberty.

On May 3 Dr. Hyatt got me a job on the schooner *Elisa Pendleton*, bound for New York, where I arrived on May 29.

I solemnly swear and declare that at no time during the times above mentioned, nor at any other time or place whatsoever, was I engaged in what is called a filibustering expedition against the Spanish Government, or any other Government, nor did I ever in my life in any way take part in any revolutionary movement in Cuba or elsewhere.

I am still suffering physically from the effects of my prison experience in Santiago de Cuba. I have not recovered from the attack of rheumatism, which I fear has become chronic.

I learned lately that Gustave Richelieu arrived at New York from the South.

Your petitioner verily believes he has been damaged to the extent of \$10,000.

Wherefore your petitioner prays for the interposition of the United States Government with the Government of Spain to the end that his claim aforesaid shall be presented to and paid by said Government of Spain. And your petitioner will ever pray.

AUGUST BOLTEN, *Petitioner.*

DAVID GORDON,

*Attorney for August Bolten, 60 Wall street, New York.*

NEW YORK, September 30, 1896.

STATE OF NEW YORK, *City and County of New York, ss:*

August Bolten, being duly sworn, deposes and says that he is the petitioner or memorialist named in the foregoing memorial or petition subscribed by him; that he has read the same and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

AUGUST BOLTEN.

Subscribed and sworn to before me this 30th day of September, 1895.

[SEAL.]

HARRY E. STAM,  
*Notary Public, Kings County.*

(Certificate filed in New York County.)

I, Harry E. Stam, the notary public who administered the oath to August Bolten, the petitioner above named, hereby certify and declare that I have no interest whatever in or to the claim above set forth, or any part thereof, and that I am not, nor have I ever been, the agent or attorney of said Bolten; and I believe said Bolten to be an honest and conscientious man and his statements to be worthy of faith and credit.

New York September 30, 1895.

[SEAL.]

HARRY E. STAM,  
*Notary Public, Kings County.*

(Certificate filed in New York County.)

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*Mr. Richelieu to Mr. Olney.*

[Translation.]

WASHINGTON, *October 3, 1895.*

Mr. MINISTER OF STATE: The declaration which I wrote last week is the truth. I have not related the inward sufferings to which we were subjected in the prison; they are indescribable. We suffered from hunger; we slept on the floor without any covering; we were eaten by lice, fleas, and scorpions. I was compelled to exchange for bread the articles which I possessed. My friend August Bolten caught the yellow fever, and the doctor sent him to the hospital. As we were separated, I only learned it through an employee of the prison. The consul himself had not been informed of it. It was I that told him on Sunday when he came to see us, which he did at every mail that he received from Washington. We gave him a great deal of trouble, and he had warm discussions with the Spanish authorities, which you can read for yourself in his reports to the Department. I did not have the yellow fever myself, but I had fevers caught by the cold in sleeping on the floor. When I awoke I had chills, accompanied by fever, and from those sufferings I have caught rheumatism for the rest of my life. At times I am whole days without being able to move a limb. I am in that condition whenever the temperature changes.

I wish, therefore, to have a prompt and satisfactory settlement. If I had been a person of importance they would perhaps have been less cruel to me. When we left the prison they told us to go wherever we chose. That is why the consul advised us not to complain; that the Department at Washington would have our case settled.

When we arrived at Alligator Bay the consul at Guantanamo advised us to go to Santiago de Cuba, where it would be much easier for us to find a position. If we had done anything we would have been arrested. They would not have thought that we were going to Cuba, as we could have gone to Jamaica, which is only six hours' passage.

On the 25th April, when we left the prison, I went to see the judge of instruction to get my citizenship papers, which he had. He told me

that as the record was in his court I would have to wait ten or fifteen days. The consul advised me not to wait; that he would give me a passport which would protect me and which would be entirely sufficient on presenting it at the ministry.

I desire the Minister of State to obtain a pecuniary indemnity for me from the Spanish authorities for all the outrages which I have undergone.

With this expectation I am, with the deepest respect,

Your very humble servant,

GUSTAVE RICHELIEU,

(Care of Mr. Alexander Porter Morse, 1505 Pennsylvania avenue.)

Sworn to and subscribed before me, a notary public, on this 3d day of October, A. D. 1895.

[SEAL.]

JESSE W. RAWLINGS,

*Notary Public, District of Columbia.*

*Mr. Olney to Mr. Gordon.*

DEPARTMENT OF STATE,

*Washington, November 1, 1895.*

SIR: I have received your letter of the 2d ultimo, transmitting the memorial of August Bolten, making claim against the Spanish Government for alleged unlawful imprisonment in Cuba.

The same will be given due consideration.

I am, etc.,

RICHARD OLNEY.

*Mr. Olney to Mr. Richelieu.*

DEPARTMENT OF STATE,

*Washington, November 1, 1895.*

SIR: Your communications of the 25th of September and 3d ultimo have been received, wherein you complain of unlawful imprisonment by the Cuban authorities and ask this Government to obtain an indemnity for you from the Spanish Government.

The matter will receive due consideration.

I am, sir, your obedient servant,

RICHARD OLNEY.

*Mr. Morse to Mr. Olney.*

NOVEMBER 8, 1895.

SIR: I have the honor to transmit herewith power of attorney from Gustave Richelieu in favor of John W. Douglass and Alexander Porter Morse, in prosecution of a claim by the said Richelieu for pecuniary indemnity against Spain for arbitrary arrest and false imprisonment, etc., by authorities of Spain at Santiago de Cuba, during a period of sixty-two days.

Memorials on behalf of said Richelieu have heretofore been filed at the Department.

I am, etc.,

ALEXANDER PORTER MORSE.

*Power of attorney.*

Know all men by these presents:

That I, Gustave Richelieu, a native of France and a citizen of the United States by naturalization, resident in the city of Philadelphia, State of Pennsylvania, have made, constituted, and appointed, and by these presents do constitute and appoint John W. Douglass and Alexander Porter Morse my true and lawful attorneys, irrevocable, for me and in my name, place, and stead, hereby annulling and revoking all former powers of attorney or authorizations whatever in the premises, to present my claim against Spain for arrest and imprisonment by authorities of Spain at Santiago de Cuba, and for the seizure and appropriation of the sloop *Yankee Doodle* on the 23d of February, 1895, and to, from time to time, furnish any further evidence necessary or that may be demanded, giving and granting to my said attorneys full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully to all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution and revocation, and to receipt and sign all vouchers, hereby ratifying and confirming all that my said attorneys or their substitute may or shall lawfully do or cause to be done by virtue hereof. And I hereby request that any certificates or drafts in payment thereof be sent to me, in care of my said attorneys.

In witness whereof I hereunto set my hand and seal this 23d day of September, 1895.

[SEAL.]

GUSTAVE RICHELIEU.

In presence of—

G. M. FERREARD,

506 and 508 Fourteenth street NW.

☞ Signature of claimant must be attested by two witnesses.

DISTRICT OF COLUMBIA, ss:

Be it known, that on this 23d day of September, in the year eighteen hundred and eighty-five, before me, the undersigned, a notary public in and for said District, personally appeared Gustave Richelieu, to me well known to be the identical person who executed the foregoing letter of attorney, and the same having been first fully read over to him and the contents thereof duly explained, acknowledged the same to be his act and deed, and that I have no interest, present or prospective, in the claim.

In testimony whereof I have hereunto set my hand and affixed my seal of office the day and year last above written.

[SEAL.]

THOS. B. HUYCK, *Notary Public.*

☞ If not acknowledged before the clerk of a court of record of the proper county under his seal of office, then clerk must certify to the official character and signature of the officer before whom this is executed.

*Mr. Gordon to Mr. Olney.*

60 WALL STREET, NEW YORK, *December 27, 1895.*

Will you kindly inform me what, if any, action has been taken by the State Department in the matter of the memorial of August Bolten, stating the fact of his arbitrary arrest and imprisonment in Cuba and praying for the interposition of our Government with the Government of Spain in his behalf?

Captain Bolten's affidavit was mailed to you June 13, 1895, and I had the honor of a response from you, acknowledging its receipt and suggesting that, if I embodied the affidavit in the shape of a memorial, in accordance with the rules of your Department, such memorial would be presented to the Spanish Government. This I did, and mailed a memorial to you on October 2, 1895, and had the like honor of a response acknowledging its receipt and assuring its being given due consideration.

I reiterate my belief in the merit of Captain Bolten's claim and in *the truthfulness of his statements.*

I should be pleased and thankful to learn what the present situation is.

Yours, very respectfully,

DAVID GORDON.

*Mr. Adee to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, February 24, 1896.

SIR: I do not find, among the papers in the claim of Gustave Richelieu against the Government of Spain for imprisonment in Cuba, any evidence of the claimant's citizenship. In his power of attorney to you, which was filed in the Department under date of November 8, 1896, Mr. Richelieu claims to be a native of France and a citizen of the United States by naturalization. Our consul at Santiago de Cuba, in his report concerning Richelieu's imprisonment, speaks of him as a citizen of the United States, but before presenting the claim to the Imperial Government of Spain it will be necessary for Mr. Richelieu to file a certified copy of the record of his naturalization.

I am, etc.,

ALVEY A. ADEE,  
Second Assistant Secretary.

*Mr. Morse to Mr. Olney.*

MARCH 11, 1896.

SIR: I am in receipt of a communication from the Department of State, informing me that the record of naturalization of Gustave Richelieu has not been filed, and asking that the same should be forwarded at once, so that the Department may proceed to take such steps on behalf of his associate (Bolten) and himself as it may deem proper. I have called upon Mr. Richelieu to forward this record, but up to this time it has not been received. Whatever is the cause of this delay, it seems to me that the presentation of the case of Mr. Bolten, whose papers are complete, should not longer be postponed.

The arbitrary arrest and long and harsh imprisonment of these individuals by the Spanish authorities at Santiago de Cuba seems to have been without cause or justification. The statement of the circumstances of their arrest and cruel treatment show a wanton outrage on the part of the Spanish authorities, which is fully confirmed by the dispatches of the United States consul at Santiago. These individuals appear to have been within the protection of the rule of international law which was laid down by Mr. Webster in the case of the *Creole*, and which was maintained by the umpire, Mr. Bates, in the decision before the Commission of Claims under the convention of February 8, 1853, between the United States and Great Britain.

Stress of weather and overruling necessity drove them into a Cuban port for shelter under circumstances which entitle them to the treatment which the comity, the courtesy, and the common sense of justice of all civilized states approves. So far as I am informed or the record discloses there was no probable cause for their arrest.

As Mr. Richelieu is moving from place to place, it is impossible to say when I will again hear from him; but so soon as he produces a copy of his record of naturalization, it will be forwarded to the Department.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE.



*Mr. Olney to Mr. Gordon.*

DEPARTMENT OF STATE,  
Washington, March 18, 1896.

SIR: I have to acknowledge the receipt of your letter of December 27 last, and to say that the claim of Capt. August Bolten has been held to await the perfection of the claim of his companion and fellow sufferer, Gustave Richelieu, in the hope of presenting both claims together. As there appears, however, no immediate prospect of the complete establishment of Richelieu's right to the intervention of this Government, the claim of the former will now be forwarded alone, without further delay, to the United States minister at Madrid, for presentation to the Spanish Government.

I am, etc.,

RICHARD OLNEY.

*Mr. Olney to Mr. Taylor.*

No. 483.]

DEPARTMENT OF STATE,  
Washington, March 18, 1896.

SIR: I inclose a copy of the memorial of August Bolten, a citizen of the United States, against the Government of Spain. This memorial was filed in the Department by Mr. David Gordon, attorney for Bolten, October 2, 1895. For your further information, I inclose you a copy of Executive Document No. 224, House of Representatives, Fifty-fourth Congress, first session, being a message from the President to the House of Representatives transmitting correspondence relative to affairs in Cuba. Pages 111 to 133 of this pamphlet relate to the cause of Mr. Bolten's complaint, and contain the reports of our consular officers in Cuba in regard to the injury done him by the authorities in Cuba.

The facts as alleged by Mr. Bolten are, in brief, that in an endeavor to pass in a small open boat from one Haitian port to another around the northwestern point of that island, he was swept by the wind and current to the coast of Cuba. Notwithstanding the facts that he was driven upon the coast of Cuba by stress of weather, and that he landed in a small open boat, a seaman in distress, with a single companion and no arms, papers, or other thing to excite suspicion of unlawful intent, he was seized by the military authorities February 23, 1895, and was not released from prison until May 3 following. During, and it is believed as a result of, his imprisonment he contracted yellow fever and suffered much distress and injury to health in other respects, all growing out of the treatment received during his apparently unjust and uncalled for confinement.

Mr. Bolten asks for an indemnity of \$10,000 from the Spanish Government for the injury inflicted upon him by the Spanish authorities in Cuba.

The seizure is believed to have been in violation of article 8 of the treaty of 1795, which provides for the hospitable reception of American citizens who through stress of weather are driven upon Spanish territory. His arrest and the proceedings inaugurated against him by the military authorities are believed also to have been in violation of the protocol of January 12, 1877, which provides that citizens of the United States taken without arms in hand shall be tried by the ordinary civil tribunals, to the exclusion of any special tribunal, and when arrested and imprisoned shall be deemed to have been arrested or imprisoned

by order of the civil authority. Mr. Bolten was held in arrest by the military authorities from February 23rd until the 21st of March, when by the action of the superior authorities of the island he was turned over, without being released, to the civil tribunal of the Province of Santiago. This tardy compliance with the treaty provisions seems not to have in any way benefited Mr. Bolten, as he was detained in the same prison without knowledge of the charges pending against him until his release, without trial, on May 3 following.

The correspondence with the consul at Santiago de Cuba indicates that there was a secret judicial inquiry or search for evidence against Mr. Bolten, and that he was released in consequence of a failure to obtain any evidence whatever to justify his arrest and imprisonment. You are directed to present this claim to the Spanish minister for foreign affairs, and ask that it may receive his early attention.

I am, etc.,

RICHARD OLNEY.

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*Mr. Gordon to Mr. Olney.*

60 WALL STREET, NEW YORK, *March 19, 1896.*

DEAR SIR: I have to acknowledge the receipt of your favor of 18th instant conveying the intelligence of the prospective presentation of Capt. August Bolten's claim to the Spanish Government.

I thank you sincerely for the same.

Yours, very respectfully,

DAVID GORDON.

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*Mr. Taylor to Mr. Olney.*

No. 499.]

LEGATION OF THE UNITED STATES,  
*Madrid, April 4, 1896.*

SIR: I have the honor to acknowledge the receipt of your No. 483 of the 18th ultimo with inclosures relative to the case of Mr. August Bolten. According to your instructions, I have presented the case to the Spanish minister of state and asked that it may receive his early attention.

I am, etc.,

HANNIS TAYLOR.

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*Mr. Morse to Mr. Olney.*

JULY 23, 1896.

SIR: I inclose herewith certificate of the declaration to become a citizen of the United States of Gustave Laymet, otherwise "Gustave Richelien," together with explanatory affidavit of Gustave Richelien, who heretofore, namely, on the 26th day of September and the 3d day of October, 1895, transmitted to the Department of State memorials setting forth his arbitrary arrest and imprisonment by authorities of Spain at Santiago de Cuba, and praying the intervention of the United States in securing from Spain pecuniary indemnity on account of such unlawful arrest and imprisonment.

I request that the inclosed papers be attached to the memorials filed,

with a view to their use in making a demand upon Spain for pecuniary indemnity in favor of said Richelieu by reason of said unlawful arrest and imprisonment by authorities of Spain in violation of international law and treaty stipulations between Spain and the United States.

I am, etc.,

ALEXANDER PORTER MORSE,  
*Attorney for Gustave Richelieu.*

Personally appeared before me, Frank H. Mason, clerk of the United States district court within and for the district of Massachusetts, Gustave Richelieu, residing at 109 D street, Boston, in said district, who, being duly sworn, deposes and says that affiant is the identical individual who on the 26th day of September and the 3d day of October, 1895, transmitted to the Department of State of the United States of North America memorials setting forth his arbitrary arrest and imprisonment by the authorities of Spain at Santiago de Cuba, at the dates and under the circumstances stated, and praying the intervention of the United States in securing pecuniary indemnity from Spain in redress and vindication of affiant's rights as a citizen of the United States by naturalization; affiant reiterates the charges against Spain on account of such arbitrary arrest without cause, and the cruel treatment inflicted by Spain; and affiant further says that affiant declared his intention to become a citizen of the United States before the United States district court at Portland, in the State of Oregon, the 30th day of May, A. D. 1872, under the name and description of Gustave Laymet, and says that affiant is the identical individual whose certificate of such declaration is hereunto annexed and made part of this affidavit; and affiant further says that "Laymet" was his father's name, and by that name he was called and known until October, 1884, when affiant adopted the name of Gustave Richelieu, "Richelieu" being the name of affiant's mother; affiant further says that affiant has for more than three years been a seaman on board merchant vessels of the United States and is entitled to protection as a citizen of the United States, and at the time of the arbitrary arrest hereinbefore mentioned was pursuing affiant's occupation as a seafaring man.

GUSTAVE RICHELIEU.

Subscribed and sworn to by the above-named Gustave Richelieu before me, at Boston, in said district of Massachusetts, this 22d day of July, A. D. 1896.

[SEAL.]

FRANK H. MASON,  
*Clerk of United States District Court, District of Massachusetts.*

*Copy of declaration.*

United States district court.

UNITED STATES OF AMERICA, *District of Oregon, ss:*

I, Gustave Laymet, being first duly sworn, declare and say that it is bona fide my intention to become a citizen of the United States of America, and to absolutely and entirely renounce and abjure forever all allegiance and fidelity to every and any foreign prince, potentate, State, or sovereignty whatever, and particularly to the Government of France, of whom I am a subject.

GUSTAVE LAYMET.

Subscribed and sworn to before me this 30th day of May, A. D. 1872.

RALPH WILCOX, *Clerk.*

UNITED STATES OF AMERICA, *District of Oregon, ss:*

I, E. D. McKee, clerk of the district court of the United States for the district of Oregon, do hereby certify that the foregoing is a full, true, and correct copy of the original declaration and oath of intention on file and remaining of record in my office.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said district court, at Portland, in said district, this 2d July, 1896.

[SEAL.]

E. D. MCKEE,  
*Clerk of the District Court of the United States for the District of Oregon.*

GUSTAVE RICHELIEU AND AUGUST BOLTEN.

*Mr. Morse to Mr. Olney.*

WASHINGTON, D. C., August 18, 1896.

SIR: I have the honor to transmit herewith brief in support of the claim of Gustave Richelieu, seaman, against Spain for pecuniary indemnity on account of arbitrary arrest and imprisonment for sixty-two days by the administrative authorities at Santiago de Ouba. I also transmit an additional affidavit of the complainant, which has been forwarded to the undersigned to be filed with the papers heretofore submitted to the Department.

The official correspondence relating to the case of Richelieu and his companion, August Bolten, appears in Ex. Doc. No. 224, Fifty-fourth Congress, first session, pages 111-134, and discloses a case of cruel treatment of two suffering seamen, who, at the time of the occurrences complained of, were entitled to the protection of the United States, and were by the law of nations and treaty stipulations exempt from apprehension by Spain.

On behalf of complainants the intervention of the Government is solicited, in order that such redress may be obtained as the ends of justice and the exigency of the case demand.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE.

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*Affidavit.*

During the first week in October, 1893, I left Philadelphia for the purpose of shipping at Wilmington, N. C., on board the schooner *Orlando*, belonging to the firm of Green & Co., of Boston, bound to Port au Prince, Haiti, " " " at St. Marc, a small town situated at a distance of 25 miles, " " " where the vessel loaded with logwood for New York. Being somewhat unwell, I applied for my discharge. I had contracted an intermittent fever at Wilmington. After landing I called on Mr. Miot, the American consular agent. I next proceeded to Port au Prince, where I established a modern restaurant at No. 15 rue Americaine, Port au Prince, the capital of the Republic. I gave up the restaurant in the month of July, 1894, and Dr. Terrestre (Terres?), the consul, settled up my affairs for me.

Minister Smythe was then on leave of absence, and during his leave lost his wife. From that time until the month of February, 1895, I had charge of the business of Raphael Agramonte, Nos. 9 and 11 rue des Cesars, Port au Prince. There I made the acquaintance of August Bolten, who had landed from the brig *Katheline*. He worked for the minister in charge of the Episcopal church, and that minister made us a present of the boat. We fixed it up and repaired it, and made a new sail for it. That minister, moreover, wrote to the consul at Santiago, who came to see while we were in prison at Santiago and told us that that letter had stupefied the Spanish authorities, and that their whole intrigue was broken up. I think that that letter must be at the Department.

When we left Port au Prince we had our clearance from the legation, countersigned by the commandant of the place, for the Cape. This proves that we had no dealings with the insurgents as we have been suspected of having.

We wished to engage in turtle catching, each turtle-shell being worth \$11, undressed, and we were encouraged to do so by a merchant, who told us that he would take all that we could get.

If the wind had not driven us onto the coast of Cuba we should still be at the Cape, and I should, I dare say, be in a better pecuniary situation than I now am.

We had no arms and had lost our mast, sail, and ropes, our boat having capsized. We were, moreover, entirely out of provisions when we reached Alligator Bay. That was the third day that we had been without food.

The examining judge having telegraphed to Mole St. Nicholas, became convinced that we had left without any other person with us and without any arms. When we were arrested I told the commandant that if he would telegraph at once he would be convinced; he paid no attention to this, however, but, after we had been turned over to the civil authorities, the examining magistrate, who is a perfect gentleman,

GUSTAVE RICHELIEU AND AUGUST BOLTON.

kindness to listen to us, telegraphed, and was convinced in forty-eight hours were innocent. The others might have become convinced of our innocence, were not willing to take time to do so, notwithstanding the energetic pro- the consul. They kept us in confinement for sixty-two days. I trust that d kept by the consul gives more specific details of all the trouble that the ent had to get us out of that prison.

acted pains in that prison which I shall have for the rest of my life, and am with a great lack of energy. If I had been a British or a German subject certainly have had redress. John Bull is prouder than Uncle Sam.

came to America in 1865, and made a declaration of my intention to become lean citizen in 1872 at Portland, Oreg. I worked for the American Govern- 1884 as a steward on board of the survey schooner *Eagle*.

st American vessel on which I shipped was the bark *Koswell*, Captain Saw- Boston, Mass. I shipped on board of this vessel at Portland, Oreg., in 1872. eight men off Cape Horn, who were washed overboard by a heavy sea. We ds put into Valparaiso, Chile. I there shipped on board of the *Governor* of Boston, bound to Iquique, Peru, where she was to take in a cargo of or Hamburg. In 1876 I shipped on board of the *G. B. Boland*, of New ptain Baker, which was bound to Cadiz, Spain, to get a cargo of salt for er, Mass. Since then I have always remained on shore or made voyages to ; Indies to get sugar and molasses. I made these voyages on board of the g vessels:

*Rocky Glen*, Captain Bray; schooner *Jennie Logwood* (*Lockwood?*), Captain schooner *Sarah Lawrence*, Captain Faro; schooner *Raymond T. Maul*, Smith; schooner *Lissie Young*, Captain Pierce; brig *Daisy Boyton*, Captain

2 or 1893 I shipped on board of the barkentine *Francis*, of Baltimore, for I have also been employed on board of several vessels, the names of whose I have forgotten. I have been employed on board of American vessels for years. The year that I was on board of the United States schooner *Eagle* year when Mr. Cleveland was first elected. The name of Gustave Laymet asily found among the records of the administrative surveys. During that r I lost my family and took the name of Gustave Richelieu.

GUSTAVE RICHELIEU.

STATES DISTRICT COURT, *District of Massachusetts, ss:*

BOSTON, July 30, 1896.

appeared the above-named Gustave Richelieu and made oath before me that oing statements by him subscribed by him are true.

FRANK H. MASON, *Clerk*.

he Department of State. In the matter of the claim of Gustave Richelieu against Spain on account of arbitrary arrest and imprisonment.

*Brief on behalf of complainant.*

STATEMENT OF CASE.

omplainant, a citizen by birth of France, came to the United States in 1865, resided in the United States since that date. On the 30th day of May, 1872, ty of Portland, State of Oregon, and under the name of Gustave Laymet, he his intention to become a citizen of the United States. (Certificate of the the United States district court; affidavit of complainant.)

uent to such declaration he has served as seaman or steward on American t vessels for more than twenty years. A portion of this service was as on the Government survey schooner *Eagre*. (Additional affidavit of com- .) In 1893 he embarked at the port of Wilmington, N. C., on the schooner belonging to the American firm of Green & Co., of Boston, destined for Prince, Haiti, where she went to take a cargo of Campeachy wood for New Having been taken ill with fever at Port au Prince, he secured his discharge, some time remained at the last-mentioned port engaged in keeping a restaur- ere he made the acquaintance of August Bolton, a citizen by naturalization nited States, who had been discharged from the brig *Katheline*. Having d to enter together upon the adventure of turtle fishing, they, with the se of the minister of the English Episcopal Church, secured a small fishing nd started upon their voyage in search of turtles. On the 8th of February, y sailed from the port of Port au Prince for Cape Haitien with regular the American consulate, identifying them and recognizing their

Americ fourth Street called before they re to St. 1866. the very stro of which sight of known a papers w Guantam Accordin 23d of Fi tnted an of the Ua guard to a loathe days, un ties, whi United f his effor The co tioned tering part proof show Th bear fore to t tes of sen loe Fi e e f

American citizenship. (Memorials of Bolten and Richelieu, Ex. Doc. 224, Fifty-fourth Congress, first session, pp. 112, 113, 118, 119.)

Stress of weather disabled their boat so seriously that they put into a small port called Cape de la Bay. Here they were arrested by soldiers, who carried them before an officer, who, after examining their papers, released them. At this port they remained twenty-four hours, repaired the boat as best they could, and proceeded to St. Nicholas Mole, Haiti, where they remained one day. On the 13th of February, 1895, they set sail for Cape Haitien, but wind and current being against them, and very strong, they were driven out to sea. After drifting about for three days, two of which they were without food and with but little drinking water, they came within sight of the Cuban coast and made for the nearest port, which proved to be Caimanera, known as Alligator Bay, which they reached on the 16th of February. Here their papers were inspected by the captain of the port and by the United States consul at Guantanamo, who gave them some aid and advised them to sail for Santiago de Cuba. Accordingly, on the 19th of February, they set sail for that port and arrived on the 23d of February, when they at once reported to the captain of the port, who instituted an examination of boat and baggage. They asked to be conducted to the office of the United States consul, but instead of being directed there they were sent under guard to prison, notwithstanding their earnest protest. Here they were confined in a loathsome prison, in company of the lowest description of criminals, for sixty-two days, under circumstances of indignity and outrage on the part of the Spanish authorities, which are detailed in the memorials on file in the Department of State. The United States consul made earnest and repeated efforts to secure their release, but his efforts were of no avail until after the lapse of the long imprisonment mentioned. The complainants have consistently protested that neither during the times mentioned, nor at any other time or place, have they engaged in what is called a filibustering expedition against the Spanish Government, nor have they in any way taken part in any revolutionary movement in Cuba or elsewhere; and no testimony or proof was produced by Spain during their long imprisonment showing or tending to show that they had at any time or place engaged in such unlawful acts.

The case in brief is this: A fishing smack, bound from one Haytien port to another, bearing two half-starved seamen entitled to the protection of the United States, is forced by stress of weather and lack of food into a Cuban port. They at once report to the captain of the port, produce their papers for inspection, explain their distressing situation, and request to be directed to the United States consul. Instead of complying with this request their boat was seized and, without arraignment or service of judicial process, they were placed under guard, conveyed to prison, and locked up. (Memorials of Bolten and Richelieu, pp. 1 and 2. Ex. Doc. No. 224, Fifty-fourth Congress, first session, p. 113.) The boat carried no cargo or passengers—indeed, there was no accommodation for either, and there was no mystery or concealment in their movements. Upon being informed of their arrest, the United States consul promptly went to the prison, interviewed them, and being satisfied with the truth of their representations, secured their release. The next day, while at the United States consulate, they were rearrested upon a fictitious charge, which was equally flimsy and groundless as that upon which they were first apprehended. (Ex. Doc. No. 224, Fifty-fourth Congress, first session, p. 113.) They were then conveyed to a loathsome prison, where they were subject to cruel treatment, and held for sixty-two days, notwithstanding the earnest and repeated remonstrances of the accredited representatives of the United States. (Ib., pp. 113-133.—Memorials of Bolten and Richelieu.)

One of these, Bolten, was a naturalized citizen of the United States; and a demand for pecuniary indemnity in the sum of \$10,000 on account of arrest and false imprisonment has been submitted to Spain. The present brief is submitted in behalf of his associate, Richelieu.

#### I.

The preliminary question which arises upon this state of facts is:

Is the complainant Richelieu entitled to the protection of the United States as against Spain?

On behalf of the complainant it is respectfully submitted that he is, upon two grounds: First, by reason of his declaration to become a citizen of the United States, and the acquisition of domicile therein; and, second, by reason of his service for more than twenty years as seaman on board merchant vessels of the United States after his declaration to become a citizen.

1. As against a third power, complainant has "a quasi-right to protection" after he has declared his intention to become a citizen.

(Secretary of State Frelinghuysen to Mr. Wallace, Foreign Relations of the United

States, pp. 552, 560; Secretary Bayard's Instructions to Diplomatic Agents of the United States, 1885; Wharton, *Int. Dig.*, sec. 198.) A question as to status or citizenship arising in the United States is determinable by our law.

The questions: Who are citizens, on what conditions are persons admitted to citizenship, are questions of constitutional law which each State determines for itself. And so as to protection and allegiance. (Opinions of Attorney-General, vol. 12, p. 319.)

By act of Congress, March 3, 1863 (12 Stat. L., p. 731), aliens who had made a declaration of intention to become citizens were made subject to the military draft.

If the status of alien-born residents in respect to the country of adoption warrants their being drafted into the service of the State, after declaration of intention, consistency and justice would seem to require that while in this inchoate state of citizenship they should receive protection from outrage and indignity at the hands of an offending State, particularly if such State is not the State of origin.

It is not, however, necessary to claim that the mere declaration to become a citizen changed the nationality of complainant; but such declaration, together with an established domicile extending over a long period of years, did entitle him to demand the protection of the United States.

A person domiciled in the United States is entitled "to our care and consideration, and in most circumstances may be regarded as under our protection." (Mr. Marcy, Secretary of State, to Mr. Buchanan, March 17, 1854. MSS. Inst., Gr. Brit., Wharton, *Dig.*, sec. 198.) By the personal instructions of the Department of State, issued by Mr. Bayard, Secretary of State, in 1885, in section 118 it is provided that "nothing herein contained is to be construed as in any way abridging the right of persons domiciled in the United States, but not naturalized therein, to maintain internationally their status of domicile, and to claim protection from this Government in the maintenance of such status." (Wharton, *Int. Dig.*, sec. 198.)

"The rights which spring from domicile in the United States, especially when coupled with a declaration of intention to become a citizen, are worthy of definition by statute. The stranger coming hither with intent to remain, establishing his residence in our midst, contributing to the general welfare, and by his voluntary act declaring his purpose to assume the responsibilities of citizenship, thereby gains an inchoate status which legislation may properly define." (President Cleveland, First Annual Message, 1885.)

It will be observed that in the opinion of President Cleveland the right exists, and it is desirable that it should be defined by appropriate legislation.

2. By reason of his service as seaman on board a vessel of the United States, forced by stress of weather into a Spanish port, complainant is entitled to the protection of the United States against Spain.

Whatever difference of opinion there may be as to the extent of the protection which an alien who has declared his intention to become a citizen of the United States, and has established a domicile therein, may properly claim from the United States, it would seem to be clear that an alien who has declared his intention to become a citizen, and has served as seaman on board merchant vessels of the United States for more than twenty years, and who, being forced into a Spanish port on a vessel of the United States, and is arbitrarily arrested and imprisoned by Spanish administrative authorities, is in a situation to appeal to the United States for redress.

Such a case seems to be covered by the express provisions of section 29, act of June, 1872 (Stat. L., vol. 17, p. 268), and of the treaty of 1795 between Spain and the United States, Articles VI, VII, and VIII.

Section 29 of the act of June 7, 1872, is carried into the Revised Statutes of the United States under the title "Naturalization," section 2174, although it is not in a strict sense a "naturalization" statute. But it is a provision "for the further protection of seamen." The act of June 7, 1872, was entitled "An act to authorize the appointment of shipping commissioners by the several circuit courts of the United States, to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen."

This legislation was the result of a comprehensive scheme for the orderly regulation of American shipping interests and for the betterment and protection of seamen engaged on American ships. It had in view the very condition and circumstances developed in this case; and the concluding clause of the section applies exactly to the case in hand.\*

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\* "Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of his declaration, discharge, and good conduct during that time, together with the certificate of his declaration to become a citizen, be admitted

It is a matter of general knowledge that a large proportion of the seamen on American vessels are foreign born, and it was to encourage them to become citizens that exceptional and attractive provisions were enacted which facilitated the acquisition of American citizenship and extended the protection of the flag over them from the first step taken to change their national character.

A wise policy and the commercial character of the nation has naturally made the United States jealous in the protection of its seamen and prompt in the vindication of their rights wherever and by whomsoever assailed. "Trade follows the flag" is a maxim of commerce; but there can be no commerce without freedom alike for ships and crew. "Free trade and sailor's rights" was the rallying cry of an eventful political campaign. And the war, which is sometimes said to have supplemented the American Revolution, was waged to assure protection to those who, on the high seas as elsewhere, were under the protecting folds of the American flag.

The first clause of the section admits the foreigner who shall have declared his intention and shall have served three years on board a merchant vessel of the United States to citizenship. The second clause provides that the foreigner, after such declaration and such service, shall be deemed a citizen for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding. And the third clause—with the interpretation of which we are immediately concerned—provides that "such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen."

The language of the third clause is so plain and explicit that it does not need interpretation. And the only question for determination here is: Does the complainant bring himself within its provisions? It is respectfully submitted that he does; and that for all purposes of protection and redress he is to be deemed an American citizen at the time of the injuries complained of. It can not be difficult to determine to what extent the Government should go in demanding redress from a foreign Government in the case of an American citizen who has been the victim of similar treatment under corresponding circumstances. Assuming that Richelieu has made out his right to invoke the aid of the United States in obtaining pecuniary indemnity from Spain on account of the grievances complained of, we proceed to a consideration of the merits of the case as established by the record.

## II.

Neither at the time of their first apprehension nor on the occasion of their rearrest were complainants amenable to the jurisdiction of the authorities of Spain.\*

The apprehension and confinement of complainants and the seizure of their smack was in direct violation of the guaranties contained in Article VIII of the treaty of 1795 (Treaties and Conventions between the United States and other Powers, pp. 1608, 1609). By the express language of this article the jurisdiction of the local sovereign was waived and suspended in respect of storm or distress driven vessels, subjects, and inhabitants; and the United States consul was entirely justified in his statement that the complainants were "subject to the provisions contained in Article VIII of the treaty." (Ex. Doc. 224, Fifty-fourth Congress, first session, p. 116.)

When first apprehended they were on their way to the United States consulate to report their situation, in compliance with custom, the law of nations, treaty stipulations, and the laws of the United States; and when rearrested they were actually within the consulate. (Memorial of Bolten, p. 3; Ex. Doc. No. 224, Fifty-fourth

a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen."

\* "In case the subjects and inhabitants of either party, with their shipping, whether public or of war, or private or of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor and protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons or reparation of their ships and prosecution of their voyage; and they shall in no way be hindered from returning out of said ports or roads, but may depart when and whither they please, without any let or hindrance." (Art. VIII, treaty 1795.)



Congress, first session, p. 113; act of Congress, 28th May, 1796, sec 4.) The section here referred to requires the master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, to report at the first port at which such vessel arrives, if such impressment or detention happened on the high seas or if the same happened within any foreign port, then in the port in which the same happened, and immediately make protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and if not, to what nation he belonged. (Rev. Stats. U. S., p. 889, sec. 4589.) Persons in this situation are within the express conditions of Article VIII of the treaty of 1795, and as such were exempt from the civil or military jurisdiction of the local authorities. A representation of the facts which brought complainants within these conditions was made to the captain of the port immediately on landing, and was repeated to the civil and military authorities of Spain. (Memorial of Bolton, p. 3; Ex. Doc. 224, Fifty-fourth Congress, first session, p. 113 et seq.)

The truth and accuracy of the statements of complainants have not been impeached in any material respect. But the Spanish authorities in Cuba wantonly disregarded the law of nations, the treaty stipulations, and the protests of the Department of State, communicated through the consul-general and the consul. It is clear that it was not ignorance of the obligations which the law of nations and the treaty stipulations imposed upon Spain in respect of individuals situated as were the complainants, but it was a vindictive purpose on the part of the authorities to torture these unfortunate and destitute seamen as long as it was possible to do so in defiance of the United States.

Article XIX of the treaty of 1795 provides that "consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside or are permitted to be." And the consular convention of February 22, 1870, between Spain and the North German Confederation contains articles exempting storm-driven vessels from local jurisdiction, and specifies the functions and privileges of consuls, vice-consuls, and consular agents. (Martens, *Recueil General de Traites et autres actes relatifs aux rapports de droit international*, Tome XIX, p. 21, et seq.) Under the most-favored-nation clause United States consuls in Spain exercise corresponding functions, and are entitled to like jurisdiction.

The outrage which the administrative authorities of Spain at Santiago de Cuba inflicted upon complainants in violation of the law of nations, treaty stipulations, and the laws of humanity, constitutes an offense against the United States and is an indignity to the flag which covered them. The arrest of complainants seems to have been made without any sufficient ground or proof that can excuse or palliate the arbitrary action of the authorities, while their subjection to unusual cruel treatment and long imprisonment, notwithstanding the evidences of their innocent occupation furnished almost immediately after arrest by the United States consul and others, indicates a studied purpose to inflict punishment upon two American seamen whom misfortune had placed in their power, regardless of guilt or innocence. All the circumstances of arrest and imprisonment on the part of the authorities, subaltern and superior, point to a lack of good faith and honest action. Two days after arrest the United States consul advised the comandancia that complainants were entitled to protection as citizens of the United States; that their papers were in regular form; and that their presence in Santiago was due to stress of weather and misfortune. And in a few days abundant proof of the truth of their story was forthcoming. (Ex. Doc. No. 224, Fifty-fourth Congress, first session, pp. 113, 116 128, and 129.)

On the 13th of April, 1895, the United States consul advised the Department of State as follows: "There have been no definite charges, no release, and the men have been imprisoned seven weeks to-day, and I can see no reasonable ground to expect a speedy trial." (Ib., p. 123.)

The excuse given for the rearrest of complainants was stated to be that "the comandancia had received word that the men had left Guantanamo without a permit." This reason for arrest appears to have been an afterthought of the authorities. If it were true, the omission was not an offense which justified the harsh treatment to which they were subjected. Guantanamo, like Santiago, was a harbor of refuge, and not a port of destination or departure. "This charge," wrote the United States consul, "is admitted to be no more than a pretext for continued imprisonment." (Ex. Doc. No. 224, Fifty-fourth Congress, first session, p. 112.) Subsequent events proved the correctness of this declaration of the consul. (Ib., pp. 112 and 133.) At a date not stated, but which was prior to May 4, 1895, General Salcedo, civil governor, announced to the correspondent of the United Press, "that the Government found the men absolutely innocent." (Ib., ib., p. 130.)

The papers in their possession fully substantiated their story and were sufficient

to entitle them to full protection. (Ex. Doc. No. 224, Fifty-fourth Congress, first session, pp. 111-120.)

Whether or not complainants had a sufficient or regular clearance from Port au Prince was no concern of the Spanish authorities at Santiago de Cuba. Both the port of departure (Port au Prince) and the port of destination (Cape Haytien) were outside the jurisdiction of Spain. As the United States consul has pointed out, this was a mere pretext by which it was sought to excuse arbitrary acts and to justify procrastination on the part of the local authorities. The voyage contemplated did not even include any Cuban port as a port of call. It was stress of weather and lack of food that carried complainants against their will into Cuban harbors.

In view of the whole record it is impossible to resist the conclusion that the shifting charges were gotten up by the authorities to meet recurrent emergencies, were fictitious, and were known to be so when made. The holding of the complainants by the "military officials" for more than a month and their subsequent transfer to the "civil authorities" under the circumstances has all the appearance of a scheme to harry and persecute these unfortunate seamen. The fact that they were recognized as citizens of the United States seemed to militate against them and not in their favor. These authorities were fertile in originating charges, for it appears that the supposed act of the United States consul in furnishing complainants with American newspapers containing a picture of José Martí, a Cuban revolutionist, constituted an offense which was to be imputed to the men under arrest. But treatment of this character of American citizens and American interests in the island of Cuba has been going on for forty years, and, as the archives of the Department abundantly testify, the forbearance of the Government of the United States has been met by the persistent and continuous spoliation and outrage of its citizens. (Mr. Fish, Secretary of State, to Mr. Lopez Roberts, December 28, 1870, cited in Wharton's Int. Dig., vol. 3, p. 3402; Proceedings of the United States and Spanish Claims Commission, under agreement February 12, 1871; Ex. Doc. 224, Fifty-fourth Congress, first session.)

The sole subject of inquiry to which the authorities might have properly or rightfully addressed themselves was, Did the apparent facts bring complainants within the conditions of Article VIII, treaty of 1795?

That they did the local authorities had the evidence of their own eyes, the uncontradicted statement of complainants, and the assurance of the United States consul, which was almost immediately confirmed, and which, in default of proof to the contrary, should have been accepted as conclusive.

### III.

Having been forced through stress of weather and urgent necessity into a Cuban port while navigating an American fishing smack, complainant and his associate, August Bolten, were exempted from officious and arbitrary interference of the local Spanish authorities by the law of nations and by stipulations of the treaty of 1795 between Spain and the United States.

#### THE LAW OF NATIONS.

This immunity from local jurisdiction of vessels, crew, and passengers, driven into a foreign port through stress of weather or urgent necessity, was forcibly stated by Mr. Webster in the correspondence with Lord Ashburton in the case of the *Creole*; and the rule of law and the comity and practice of nations is well established by authority.

"A vessel driven by stress of weather has a right to enter, even by force, into a foreign port." (Vattel, Book 2, ch. 9, sec. 123; Puffendorf, Book 3, ch. 3, sec. 8.)

A vessel compelled by stress of weather or other unavoidable necessity has a right to seek shelter in any harbor, as incident to her right to navigate the ocean, until the danger is past, and she can proceed again in safety.

The effect of stress of weather in exempting vessels from liability to local law, when they are driven by it within the ordinary jurisdiction of a foreign state, is well settled by authority in various classes of cases, viz, in reference to the blockade of harbors and coasts; of prohibited intercourse of vessels between certain ports that are subject to quarantine regulations; intercourse between certain countries or sections of countries which is interdicted from motives of mercantile policy; and in cases of liability to general custom duties. (The *Frederick Molkel*, Rob. Rep., 87; The *Columbia*, ib., 156; The *Juffrow Maria Schroeder*, 3 Rob., 153; The *Hoffnung*, 6 ib., 116; The *Mary*, 1 Gall., 206; Prince v. U. S., 2 Gall., 204; Peisch v. Ware, 4 Cranch, 347; Lord Raymond, 388, 501; Reeves's Law of Shipping, 203; The *Francois and Elisa*, 8 Wheat, 398; Sea Laws, arts. 29, 30, and 31; The *Gertrude*, 3 Story Rep., 68.)

"It can only be a people who have made but little progress in civilization that would not permit foreign vessels to seek safety in their ports, when driven there by

stress of weather, except under the charge of paying impost duties on their cargoes or on penalty of confiscation, where the cargo consisted of prohibited goods." (The *Gertrude*, 3 Story Rep., 68.)

Mr. Webster, Secretary of State, in his diplomatic letter of August 1, 1842, to Lord Ashburton, British minister at Washington, contended that if a vessel be driven by stress of weather or other necessity, or carried by unlawful force into a British port, even if it be a prohibited or blockaded port, that necessity exempted the vessel from all penalty and hazard. These immunities were presumed to exist as a part of civilization and to be allowed until expressly retracted. This presumption is deemed to be part of the voluntary and adopted law of nations. There has been occasional criticism of some of the propositions advanced by Mr. Webster in this correspondence,\* but no authoritative or judicial dissent can be produced. Although advanced *arguendo*, there has not been in modern times any respectable dissent from so much of Mr. Webster's propositions as related to exemption from local jurisdiction of storm-driven or refuge-seeking vessels, their passengers, crew, and cargo. A distinction has, however, been drawn between the status of merchant vessels voluntarily entering foreign ports for purposes of trade and such as have entered or been driven in by stress of weather or other necessity. And the propositions of Mr. Webster, which have been sometimes questioned, are those which relate to the former.

But even in respect to the former, the practice under the influence of the law of nations, and by the comity of civilized modern States, as Mr. Webster well insists, is for the sovereign of the port to waive in favor of the sovereign of the flag the exercise of jurisdiction in relation to all matters except those which concern police regulation, or affect the peace and quiet of the port. (The *Exchange*, 7 Cranch, 140; *Wildenhus's Case*, 120 U. S., p. 1; decision of the supreme court of Grenada, Nicaragua, in re Captain McCrea, of the P. M. S. S. *Honduras*, Foreign Relations of U. S., 1892, pp. 45-49; Dana's *Wheaton*, Int. Law, No. 96, note 58; Halleck, Int. Law, p.; Albany Law Journal, Nov. 1, 1890, Vol. XLII, p. 345 et seq., where the authorities are collated; Mr. Gresham, Secretary of State, to Mr. Huntington, Foreign Relations of the United States, 1894, pp. 296, 297.)

In the cases of the *Creole*, the brig *Enterprise*, and the *Hermosa*, which were before the Commission of Claims, under the convention of February 8, 1853, between Great Britain and the United States, there was full discussion of these propositions in direct application to the peculiar occurrences which had given rise to this correspondence. The advocate of the United States had laid down on behalf of the claimants several contentions, which set out in substance the position announced by Mr. Webster. These were resisted *arguendo* by the advocate of Great Britain. Upon submission, Mr. Bates, the umpire, took the following positions, and made awards in favor of the claimants: "The *Creole* was on a voyage, sanctioned and protected by the laws of the United States and by the law of nations. Her right to navigate the ocean could not be questioned, and, as growing out of that right, the right to seek shelter or enter the ports of a friendly power in case of distress or of unavoidable necessity. \* \* \* These rights, sanctioned by the law of nations, viz, the right to navigate the ocean and to seek shelter in case of distress or other unavoidable circumstances, and to retain over the ship, her cargo and passengers the laws of her country, must be respected by all nations, for no independent nation would submit to their violation." (Report of the Commission on British and American Claims, Convention, February 8, 1853, pp. 244, 245.)

It was well said by the United States commissioner, with whose conclusions on this branch of the case the umpire agreed, that "The right of a State bordering on the ocean to a given extent over the waters immediately adjoining attaches for certain fiscal purposes and purposes for protection. But the jurisdiction thus obtained is by no means exclusive. Sovereignty does not necessarily imply all power, or that there can not coexist with it within its own dominions other independent and coequal rights. Indeed, the exception taken furnishes a strong argument in favor of the principle contended for, because the same rule of justice that gives for certain purposes jurisdiction over the waters, as incident to the use of the land, extends, for like reasons, a right over the land for temporary use and shelter, as incident to the use of the ocean. The rule operates with equal validity and justice both ways, and its application in the one case sustains and justifies it in the other. If neither right must give way there seems to be no good reason why the older and better right of the nations to the free navigation of the ocean, with its incidents, should be surrendered to the exclusive claims of any single nation." (Ib., 214, 215.)

When a vessel, engaged in a lawful voyage by the law of nations, is compelled, by stress of weather or other inevitable cause, to enter the harbor of a friendly nation for temporary shelter, the enjoyment of such shelter being incident to the right to

\* Hall, International Law, p. 168, note. See reply to Hall's criticism in Albany Law Journal, November 1, 1890, pp. 346-350.

navigate the ocean, carries with it, over the vessel and personal relations of those on board, the rights of the ocean, so far as to extend over it, for the time being, the protection of the laws of its country. (Opinion of Umpire Bates in re brig *Enterprise*; Report of British and American Commission, under Convention of February 8, 1853, p. 187.)

The principles of law, stated in the diplomatic correspondence of the American Secretary of State, were judicially recognized by the supreme court of Louisiana in the case of *McCargo v. New Orleans Insurance Company* (10 Rob. La., 202, 316).

In 1845 Mr. Wheaton, in an article upon this subject in the *Revue Francaise et Etrangere*, lx, 345 (Dana's Wheaton, sec. 103, note), sustained the position of Mr. Webster as to the rule of international law in regard to immunity and exemption from local jurisdiction of distress vessels, cargo, and crews.

The Attorney-General of the United States concurred in the view announced by the American Secretary of State. (*The Creole*, 40, p. 98.)

In his speech on the case of the brigs *Comet*, *Emporium*, and *Enterprise*, March 3, 1840, in the Senate, Mr. Calhoun had stated the principle in substantially the same terms. (3 Calhoun's Works by Crallé, 465.)

But even if it could be questioned that the exemption from local jurisdiction of storm or distress-driven vessels, crew and passengers exists as a rule of the law of nations, it is clearly sanctioned by the treaty between Spain and the United States.

#### THE TREATY OF 1795.

Article VI provides for the protection of the vessels and other effects of citizens or subjects of one nation in the jurisdiction of the other. Article VII relieves from embargo or detention the vessels or effects of subjects or citizens and secures regular and orderly judicial processes for the trial in case of the seizure of subjects or citizens for debts or crimes. Article VIII is little more than declaratory of the law of nations in this regard, but it consecrates the guarantee of immunity from apprehension or detention by proclaiming it solemnly as a part of the law for the observance of the two parties.

Counsel for complainants does not dwell upon the guarantees contained in the protocol of January 12, 1877, because in our view of the case the complainants were at no time answerable to either the military or civil jurisdiction of Spain. They were not "residing in Spain, her adjacent islands, or her ultramarine possessions," but were cast upon her territorial waters by accident and distress. But had they been actually resident in Cuba their treatment would still have been unusual, unwarranted, and harsh.

The circumstance that it was on a small fishing smack that the complainants entered the port of refuge, in no way affects the character or extent of the protection to which they were entitled under the law of nations and the treaty stipulations. They would have been equally entitled to exemption from arbitrary arrest and cruel treatment had they been carried in on a floating spar or on the deck of a clipper ship flying the American flag. (Wharton, *Int. Dig.*, Vol. 3., sec. 410.) Article VIII of the treaty of 1795 between Spain and the United States was declaratory of the law of nations, and is conformable to the comity and practice of modern civilized States. Just one year after the ratification of this treaty the assaults of Great Britain upon the rights of seamen on board American vessels resulted in the passage of the act of May 28, 1796 (1 Stat. L., p. 477), entitled "An act for the relief and protection of American seamen," the substantive provisions of which are carried into the Revised Statutes of the United States. (Secs. 4588 and 4589.)

#### IV.

Vessels owned by citizens of the United States may carry the flag of the United States on the high seas, and are entitled to the protection of the United States Government, though from being foreign built or from other causes they are not and can not be registered as vessels of the United States.

Ownership is the basis on which nationality rests; ownership is evidenced by bill of sale and guaranteed by the flag she carries; foreign nations will not look into the question of title nor examine how far municipal laws have been complied with, so as to enable the ship, for municipal purposes, to carry the flag; a certificate or passport from the sovereign of the flag, or a certificate from one of his consuls, that the vessel is owned by one of his citizens or subjects, will be a sufficient assurance that the flag, for international purposes, is rightfully carried. (Wharton *Int. Law Dig.*, Vol. III, sec. 410.)

#### IN CONCLUSION.

The law of nations, treaty stipulations, and the laws of humanity seem equally and persistently disregarded by Spain when it is question of the personal freedom or property interests of American citizens. Within a few days past the counsel who

signs this brief filed a protest on behalf of Mr. Libbey, a citizen of the United States, whose extensive properties in the Island of Cuba have been subject to persistent plunder and spoliation, and which have finally been abandoned by his manager, whose personal safety was repeatedly threatened. It seems to counsel that much more is involved in these cases than the mere personal interests—important and serious as they are—of individual sufferers. They involve consideration of the extent and measure of protection which American citizens may expect in Cuba under the guarantees of the law of nations and treaty stipulations; and they present the question whether the United States will continue to submit to the habitual violation by Spain of the law of nations, treaty stipulations, and the laws of humanity in respect of the persons and property of American citizens temporarily or accidentally within Spanish territory.

So far as the record discloses there was neither ground for suspicion nor probable cause for the exceptionally harsh treatment of complainants. There was nothing in their movements or surroundings that was so unusual or extraordinary as to justify their original apprehension without warrant or judicial process, nor for their protracted imprisonment. There appears no excuse for the wanton violation of their natural and treaty rights. On the contrary, all the real evidence was in their favor and corresponded with and corroborated a story that was consistent throughout. Adverse winds and currents, an empty and dismantled fishing smack, and a starving crew, seeking refuge in a port of a nation presumed to be civilized and friendly, presented strong evidence of the literal truth of their narrative. In the long train of events which succeeded their apprehension and cruel captivity there does not appear a single feature or element to warrant suspicion of hostile act or intent. Their physical condition negated the possibility. The case needs no embellishment. A plain recital of the facts is sufficient to expose the circumstances of aggravation that attended their apprehension and imprisonment. And it is difficult to refrain from the use of language that may not sound diplomatic when contemplating the calm indifference to law, justice, and humanity manifested on the part of the Spanish authorities, even after the facts had been brought to their attention by the repeated remonstrances of the accredited representatives of the United States.

What a pretense and travesty of justice the whole proceeding on the part of the Spanish authorities was clearly appears from the record furnished by themselves. The individual who forwards an official communication to Mr. Hyatt, United States consul at Santiago, and subscribes the same "God guard your honor many years, Sebastian Kindelan," is presumably the governor-general. And it seems from the language of this remarkable production that "the American citizens, August Bolton and Gustav Richelieu" were charged with "the crime of rebellion," and "that a greater part of the charges and discharges have to be proven in a foreign country, as is Hayti." It remains for a Spanish governor-general to explain how American citizens can be guilty of the crime of rebellion against Spain while in Haytian territory. There is a freshness and flavor about the communication of "his excellency, the president of the territorial audiencia," which will repay careful perusal, and it has been fortunately preserved in English, where it no doubt loses some of the suavity of expression that is found in the original. It may be consulted by the student of international jurisprudence in search of a specimen of Spanish diplomatic-judicial utterance. The cuttle-fish has heretofore borne a reputation for his facility in muddying the waters, however lucid, in which he moves; but for clouding and confusing a plain case the Spanish fiscal, governor-general, or president of a territorial audiencia has no competitor. (Ex. Doc., Fifty-fourth Congress, first session, No. 224, p. 123.)

One of the excuses for holding complainants after their release had been formally and repeatedly demanded by the United States is set out in the communication just referred to, wherein it is attempted to justify further delay on the ground "that the state of the sumario (preliminary proceedings) in which is found the cause followed for the crime of rebellion against Bolten and Richelieu holds him from disclosing to the honorable consul the charges that exist in the proceedings against Bolten and Richelieu, as always, according to our law, the sumario (preliminary proceedings) are completely secret, but it can be said for the satisfaction of such a worthy representative that there exists sufficient reason to indict and decree the provisional imprisonment of said individuals. This court has seen itself in the necessity of prolonging the imprisonment decreed by the marine jurisdiction."

The communication in which this curious excerpt occurs was dated April 10, 1895, forty-four days after the arrest, and is significant in the admission, which was no doubt inadvertent, that the civil court was executing a punishment inflicted by "the marine jurisdiction," which the superior authorities had reluctantly conceded had no jurisdiction. But the truth is, as is apparent from the whole record, that this was another subterfuge and evasion couched in diplomatic phraseology equally destitute of honesty and veracity. The temptation to invoke "sumario" and "incomunicado," much as nurses utilize the "bogey" to frighten children from entering prohibited places, may not be resisted by the average Spanish official when every

other expedient has failed. The hollowness of this pretense is apparent. Against the sufficiency and integrity of this reply the Secretary of State and the United States consul promptly protested. (Ex. Doc. No. 224, Fifty-fourth Congress, first session, pp. 123, 124.) Forty-four days is a long time to consume in ascertaining the patent fact that complainants were within the conditions of Article VIII of the treaty.

An illustration may here serve a useful purpose. Suppose—if such a case is imaginable in this year of grace 1896—that two Spanish seamen under corresponding circumstances should seek refuge in the harbor of New York, and immediately upon landing should be arrested by the authorities when on their way to the office of the Spanish consul, and should, without arraignment, without formal charges or judicial process, be incarcerated in a loathsome prison; and suppose the representatives of Spain, after proper examination, should satisfy themselves that they were within the conditions of Article VIII, and should demand formal charges, prompt trial, or their release. How long would it be before their freedom would be assured? Would it be an answer which would satisfy any self-respecting State that the grand jury was not in session or that the accused must be held and subjected to harsh treatment for two or three months, or until the authorities could communicate, as to the regularity of the vessel's clearance, with the Government of Mexico, from one of whose ports the dismantled vessel had sailed?

If it be admitted that shipwrecked seamen cast upon the territorial waters of the United States, and apprehended and thrown into prison, would be restored to their freedom within twelve or twenty-four hours, either by Executive order or by the issue of the writ of habeas corpus, and it be added in extenuation of Spanish procrastination that this is practicable by reason of existing municipal law or statute in the United States, but that Spanish procedure furnishes no correspondent or equivalent summary processes, the reply is that it is no answer to a demand founded on international law or treaty stipulation that the municipal law furnishes no procedure for the execution of discharge of such an international obligation. If the obligation exists under the law of nations or treaty stipulation, it is the duty of the nation to supply it. It was maintained in the American case before the Geneva Tribunal that the liability of Great Britain should be measured by the rules of international law, and that it could not be escaped by reason of any alleged deficiencies in any internal legislation. The award says the Government of Her Britannic Majesty can not justify itself for a failure of due diligence on the insufficiencies of the legal means of action which it possessed.

If a more stringent law is wanted to enable a nation to fulfill its international duties, then it is its duty to have a more stringent law. (Wharton's Int. Law Digest, Vol. III, p. 645.) But the truth is, there exists in Cuba process and procedure competent to deal in a summary way where the ends of justice and international law or treaty stipulations require action, and the decision of the examining judge of the 5th of May, 1895, which operated to release complainants, could have been and should have been reached in February had good faith characterized the action of the authorities in respect of the discharge of international obligations. (Ex. Doc. No. 224, first session Fifty-fourth Congress, p. 131.) And the same result could and should have been accomplished at an early day by Executive order. In this case no judicial procedure recognizable by civilized communities was followed; punishment was substituted for charge, arraignment, and judicial process. The whole proceeding was shocking to the sense of justice and humanity. Whatever may have been the real motive, nothing appears to excuse the action of the authorities toward the complainants.

The falsity of each successive and shifting charge brought against complainants has been promptly exposed, and no extenuating circumstances appear to palliate the cruel treatment to which complainants were subjected.

The acts of the administrative authorities at Santiago imperatively call for disavowal by Spain of the indignity to the flag and the payment of a substantial pecuniary indemnity to the United States on account of the arbitrary arrest and long and cruel imprisonment of complainants.

Early in the history of the nation the American doctrine found emphatic expression in the declaration that "the colors that float from the masthead should be the credentials of our seaman;" and its observance has been fearlessly enforced, even to the extreme of war.

It seems to counsel that this is a case which demands summary redress and reparation, and complainant claims damages from Spain in the sum \$10,000.

It is respectfully submitted that, for the purposes of arrest and imprisonment, the complainants were not subject to the jurisdiction of the administrative authorities of Spain, but were, at the time of arrest and seizure of their boat, for purposes of protection, within the exclusive protection of the law of nations and the treaty stipulations; and their arrest and imprisonment was arbitrary and unwarranted.

(Treaty of 1795, Articles VIII and XIX; Consular Regulations, pars. 170, 171, 172, 175, 177; Commission between U. S. and Great Britain, Feb. 8, Report, pages 241-245; Wheaton, 153; Dana's Wheaton, 103, note.)

As a result of the cruel treatment of the authorities at Santiago, one of the complainants barely survived the imprisonment and the other is crippled with infirmity and disease that will probably carry him to an early grave.

As both the administrative, military, and civil authorities of Spain at Santiago de Cuba must be held to a knowledge of the law of nations and the treaty stipulations in this regard, the gravamen of the offense consists in the willful and perverse violation by Spain of her obligations in respect of the rights and immunities guaranteed to these complainants.

The euphuistic palaver and the circumambient correspondence of the Spanish authorities thinly veils a deliberate purpose to advisedly disregard these obligations. They may not plead ignorance, for the United States consul immediately protested and continued to protest against the action of the authorities as unwarranted and arbitrary. (Ex. Doc. No. 224, Fifty-fourth Congress, first session, pp. 111-117.)

A nation which persistently insists not only upon the vigorous observance, but upon a latitudinarian extension, of neutral obligations on the part of the United States, ought to be required to faithfully fulfill the duties she has assumed under treaty stipulations in respect of American citizens.

It is submitted that the following propositions have been established:

First. That the complainant Richelieu is entitled to invoke the aid of the United States in enforcing against Spain his demand for pecuniary indemnity on account of arbitrary arrest and false imprisonment.

Second. That the complainants Bolten and Richelieu were never, from the time of their first apprehension to the last minute of their incarceration, amenable to the jurisdiction of Spain for the purposes of arrest, imprisonment, or punishment.

Third. That the apprehension, rearrest, and imprisonment of the complainants and the seizure and appropriation of their fishing smack and outfit by the Spanish administrative authorities at Santiago de Cuba was in violation of the law of nations, the comity and practice of modern civilized States, and the provisions of Articles VI, VII, and VIII of the treaty of 1795.

Fourth. That there was neither justification nor probable cause for the arrest or imprisonment of complainants.

Fifth. That the innocence of complainants of the suggested offenses was indicated by the patent facts.

Sixth. That the acts of the Spanish administrative authorities at Santiago de Cuba clearly indicate bad faith and duplicity toward complainants and the representatives of the United States.

Seventh. That the circumstances of aggravation which characterized the acts of the Spanish administrative authorities present no extenuating feature, and that they call for an apology from Spain to the United States and a liberal pecuniary indemnity to complainants.

Respectfully submitted.

ALEXANDER PORTER MORSE,  
Of Counsel.  
JOHN W. DOUGLASS,  
ALEXANDER PORTER MORSE,  
Attorneys for Complainant.

WASHINGTON, August 18, 1896.

*Mr. Adee to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, August 21, 1896.

SIR: I have to acknowledge the receipt of your letter of the 18th instant, inclosing a brief and additional affidavit of Gustave Richelieu in support of his claim against the Government of Spain.

I am, etc.,

ALVEY A. ADEE, *Acting Secretary.*

*Mr. Rockhill to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, August 31, 1896.

SIR: Referring to my letter of the 21st instant, in acknowledgment of your brief filed in behalf of Gustave Richelieu against the Govern-

ment of Spain, I have to inform you that the memorial of said Richelieu has been sent to our minister at Madrid, with instructions to present the claim for the consideration of the Spanish Government, along with the claim of August Bolten, who was Richelieu's companion in the maltreatment for which indemnity is sought.

I am, etc.,

W. W. ROCKHILL,  
*Acting Secretary.*

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*Mr. Rockhill to Mr. Taylor.*

No. 556.]

DEPARTMENT OF STATE,  
*Washington, August 31, 1896.*

SIR: In the Department's No. 483 of March 18, 1896, you were instructed to present the claim of August Bolten against the Government of Spain for indemnity. Mr. Bolten and his companion, Richelieu, were cast upon the shores of Cuba by stress of weather in a small fishing smack. Instead of receiving the hospitality of the Cuban authorities to which they were entitled under our treaty of 1795 with Spain, they were imprisoned and detained, as related in instruction No. 483, under the pretense that they were connected with the Cuban insurrection. All that was said in relation to Bolten's claim applies equally to Richelieu's. The two men were cast together upon the Cuban shore, they suffered the same treatment at the hands of the Spanish authorities, and were released at the same time. Their cases are precisely similar. That of Richelieu was not presented when Bolten's was, because his right to the protection of the United States was not at that time fully established. That defect in his case has been cured, and you are directed to demand the consideration of his claim by the Spanish Government along with the claim of Bolten, and to solicit an early settlement of both.

I am, etc.,

W. W. ROCKHILL,  
*Acting Secretary.*

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*Mr. Gordon to Mr. Olney.*

280 BROADWAY, NEW YORK, *September 12, 1896.*

MY DEAR SIR: I have to acknowledge the receipt of your letter of March 18, 1896, wherein you kindly inform me that the claim of August Bolten against the Spanish Government for indemnity for false imprisonment in Cuba would be forwarded to the United States minister at Madrid for presentation to that Government.

I have heard nothing since from your Department as to the progress and outcome, if any, in this matter, and I write now to inquire for such information as you may be in a position to give herein. I shall thank you exceedingly for the same.

Yours, very respectfully,

DAVID GORDON.

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*Mr. Rockhill to Mr. Gordon.*

DEPARTMENT OF STATE,  
*Washington, September 15, 1896.*

SIR: In reply to your letter of the 12th instant, I have to say that in a recent instruction to our minister at Madrid, in regard to the case of



Gustave Richelieu, he was again directed to ask an early settlement of the claim of August Bolten.

I am, etc.,

W. W. ROCKHILL,  
*Acting Secretary.*

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*Mr. Rockhill to Mr. Morse.*

DEPARTMENT OF STATE,  
*Washington, September 29, 1896.*

SIR: Referring to previous correspondence, I have to state that I am advised by our minister to Spain that he has presented the claim of Gustave Richelieu to the Spanish Government.

I am, etc.,

W. W. ROCKHILL,  
*Acting Secretary.*

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*Mr. Taylor to Mr. Olney.*

No. 594.]

LEGATION OF THE UNITED STATES,  
*Madrid, November 4, 1896.*

SIR: Replying to your numbers 483 of March 18 and 556 of August 31 last, I have the honor to transmit to you herewith the reply of the minister of state refusing to consider the claim of Mr. August Bolten, and likewise of Mr. Gustave Richelieu, on the grounds set forth in the evidence accompanying this note, with translation.

I am, etc.,

HANNIS TAYLOR.

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[Inclosure.—Translation.]

MINISTRY OF STATE,  
*San Sebastian, September 29, 1896.*

EXCELLENCY:

MY DEAR SIR: I had the honor in due course of time to state to your excellency in the note dated April 8, of the current year, that I asked my colleague, the minister for the colonies, data concerning the American citizen, Mr. August Bolten, referred to in your excellency's courteous note, dated the 1st of the same month. The Cuban authorities having been consulted, I have just received a certified copy of the "expediente" instituted against the above-mentioned North American citizen and his companion, Richelieu, in consequence of their presenting themselves in the port of Santiago de Cuba, manning a boat without clearance papers or any document proving the nationality of the vessel and the object of the voyage. The length of said "expediente" deprives me of the pleasure of sending to your excellency a literal copy of the same, which, however, I place at your disposal in case you should desire to read it, confining myself to communicate to you the inclosed 11 copies, which, in my opinion, are sufficient to give a just idea of the same.

Your excellency may be convinced by said copies that there was a reasonable ground to arrest and institute proceedings against the two American citizens, Bolten and Richelieu, and also that the action of the court was the shortest and most expeditious permitted by the laws of procedure, which both Spaniards and foreigners are equally submitted to.

The depositions of Felix Tahureau, accusing the North American prisoners of having shipped from Haiti insurgents and ammunitions; the numerous contradictions indulged in by Bolten and Richelieu, which are evidenced in their having been made to give evidence face to face, to which they were submitted on May 5, 1895, there having both agreed, as shown in the confrontation, to falsify and exaggerate the facts; the strange plans of both, which have not, indeed, been fully justified, and the most important circumstance that their anomalous voyage coincided with the first filibuster expeditions and insurrectional uprising, fully justify the suspicions

which they inspired from the beginning and the proceedings instituted by the marine jurisdiction.

As soon as the North American nationality of the prisoners could be verified, the marine jurisdiction, in conformity with the international compacts, and most especially with the protocol of January 12, 1877, did not go on with the case, which came under the cognizance of the ordinary courts.

The report of the marine attorney of Santiago de Cuba, the written opinion of the auditor of the Apostadero of Habana, and the resolution of the commander-general of the Apostadero and of the squadron of the Antilles show how strictly the international compacts in force between both countries are carried out in the island of Cuba.

When the suit came under the action of the ordinary jurisdiction the proceedings were diligently pursued, and as the assertions of the consul of the United States at Santiago de Cuba were favorable to the prisoners, as were likewise later on those of a Protestant clergyman established in Haiti and those of a Spaniard who had resided for some time in Puerto Principe, the charges proffered by the deponent Thureaux not having been proved, the instructing judge issued an order setting the prisoners free, and later on the superior court, owing to a lack of evidence, issued an order provisionally suspending the suit.

On February 23, 1895, they were arrested; on the following April they were set free; on June 22 the suspension was ordered, so that they had been arrested only during two months, and within four months all the procedure was ended, notwithstanding the fact that letters rogatory had to be issued, the difficulty of communications and the condition of rebellion of the country having to be contended with.

Anyone who will impartially examine the case will acknowledge, as I hope the friendly Government of the United States shall have to acknowledge, that on the part of the Spanish authorities there was no abuse of power whatever, and that the case, in view of the circumstances in which the country was involved, gave rise to the suspicion which the authorities had and forced them to proceed in the form and manner in which they acted.

It is true that Bolten, during his imprisonment, was ill; but it is also true that he was transferred to the hospital and attended to as required by his condition.

It is to be remarked that Bolten claims the considerable sum of \$10,000, a quantity which, even if the imprisonment had not been justified, would have been considered absurd, as it is exorbitant.

In view of the above statements, which your excellency and the Government of the United States will appreciate in their high sense of justice, His Majesty's Government finds itself obliged to reject in an absolute manner the demand for an indemnity, considering this case finally and irrevocably ended.

With this motive, and reiterating to the Government and people of the United States the assurances of friendship in which the Spanish Government and people have always been inspired, it is very gratifying to me, Mr. Minister, to renew to your excellency the assurances of my most distinguished consideration.

THE DUKE OF TETUAN.

THE MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

[Inclosure.]

*Deposition of Felix Thureaux.*

At Santiago de Cuba, in the justice hall of the prison of this city, on March 3, 1895, appeared the individual mentioned in the margin, who, being sworn according to the ordinance, promised to tell the truth on every question put to him, and the general questions having been put to him, said: That his name was as already stated; that he was 49 years old, a native of Guantanamo, a country laborer, and is undergoing a four-months' sentence as receiver of stolen goods.

Asked whether he knows the American citizens, Gustave Richelieu and August Bolten, and, in the affirmative case, state all he knows with regard to them, said: That he knows both of them; that he has spoken little with the latter, because he knows very little the English language, but that he makes himself perfectly understood by the former, who speaks French; that, according to what he said to him, they left Puerto Principe (Haiti) at the beginning of February; that in a place of the coast between Santo Domingo and Haiti they took on board two men, one white and the other colored; that the former said his name was Marcial Figueredo or Figuerola; that they shipped with them three boxes of regular dimensions, one of them containing revolvers, another machetes, and he does not know what the other contained.

That they sailed for the Cuban coast, landing the men and the boxes at the mouth

of a river situated between Guantanamo and Punta Maisi, near some wharves which are situated in the coast; that they brought a small map of those coasts, by means of which they expected to find out their landing place; that when they left Guantanamo, and near the mouth of the first river to be found going to Cuba, they saw on the coast certain caves in which he assured him there were arms and ammunitions of war, and that if he was well paid he would run the risk to bring them; that he saw there two armed individuals whom he supposed were rebels; that they left Puerto Principe in understanding with the Protestant clergyman, and for this reason they say they ask him for references of their good behavior; that the clergyman's name is John; that it was also spoken of telegraph operators with whom they dined and drank in a place on the coast; that higher up the Cape Haitiano they took on board the two men and the ammunitions; that Richelieu was staying in an hotel of Puerto Principe in which the Cuban insurgents had meetings, among them Maceo, Marceno, and Mancebo; that Maceo made frequent trips to Santo Domingo and Jamaica; that he saw Richelieu destroy newspaper clippings which contained portraits of prominent insurgents, and that amongst them he took one which contained that of Marti, which clippings the guard José Baro delivered to him.

That when the two individuals came on board with the three boxes they also carried with them a package with papers which seemed dangerous for them to keep, because a big piece of iron was tied to it in order to throw it deep into the water in case of emergency; that they intended to return to Haiti to bring more people, but that owing to the bad condition of the boat they did not dare to undertake the journey, and decided to come to Cuba in order to go from here in a steamer; that they have not yet given him money for the commission, which money they would deliver to him on coming back to Haiti; that he has nothing else to say. After this deposition was read to him, on being asked if he had anything further to say or anything to correct, he said no, and affirms and ratifies his statement, signing with the attorney and present secretary, to which I certify.

FELIX THAUREAUX.  
GONZALO DE LA PUERTA.

Sworn before me.

MANUEL BRIOSO.

A true copy.

*Confrontation of August Bolten and Gustave Richelieu as witnesses.*

In the hall of justice of the prison of this city on May 5, 1895, appeared the individuals mentioned in the margin, who on being duly asked, as set forth in their depositions, replied as in the following:

August Bolten on being asked, after his deposition contained on the tenth sheet and supplemented on the overleaf of sheet 22, whether he has anything further to say or rectify and whether he confirms and ratifies his deposition, said that he confirms and ratifies the statements made.

On being asked whether he knows Gustave Richelieu; whether he knows that he (Gustave Richelieu) bears him any hatred or ill will, or whether he considers him suspicious, says that he knows him; that he believes Gustave Richelieu bears him no hatred or ill will, and that he does not consider him as suspicious.

On being asked how it is that he states in his deposition that the only implements they carried were nets and seines, whereas Richelieu refers in his deposition to two fishing nets 30 fathoms long, said that he never saw such seines on board, and that they only had the implements mentioned in his deposition.

On Gustave Richelieu's being asked, after having read to him his deposition on the 19th leaf, and amplification of leaves 19 and 54, whether he has anything further to say or rectify, and whether he confirms and ratifies his statement, said that he has nothing further to say nor to rectify, and that he confirms and ratifies his statements.

On being asked whether he knows August Bolten and is aware that he (August Bolten) bears him any ill will, and whether he considers him suspicious, said that he knows him, and that he does not believe that August Bolten bears him any ill will, nor does he consider him as suspicious.

Asked how it is that he says in his deposition of the overleaf of leaf 15 that besides the fishing nets they carried two seines about 30 fathoms long, whereas Bolten assures that they only carried a small seine, he said that he saw them in the boat the day before leaving Puerto Principe, and he does not know whether Bolten had given them back because he had not paid for them.

Asked how he states this about Bolten, whereas he declares that said nets, which were the most important fishing implements carried by them, were lost by them by leaving them outside of the boat while fishing, said that he has made this deposition because he was told so by Bolten, without being able to say whether it was a *truth, because it was nighttime when they lost them, he could not see them.*

Asked how he says that the planks which were given to them at Puerto Principe to be placed in the floor of the boat were used by him in the fishing tackle, said it is true that he has deposed this and that he procured the planks for that purpose before leaving that port.

Asked how it is that he declares in the overleaf of sheet 15 that the hooks and lines were all well rolled up in the floor of the boat and were covered by his companion's waterproof coat, he said that as they were covered by the waterproof he could not see what was under it, nor could he be sure whether they were there, judging only by the size of the parcel.

Asked whether he neither saw them on some of the occasions when he slept on the floor of the boat, nor when Bolten threw them into the water in order to fish, said that he did not see them on any occasion.

On August Bolten being asked whether he has anything to say against all the statement made by Richelieu, said that all the statements made by Richelieu in regard to the nets were not true, but that it had been arranged by them when they wanted to come to the island to excite pity for themselves.

On Richelieu being asked to state the truth about the statement just made by Bolten, he (Richelieu) said that it is true they had so arranged.

On Richelieu being asked how he said in his deposition on the overleaf of the 15th sheet that he placed the implements in the bottom of the boat, covered with the waterproof of his companion, while the latter said in his deposition on sheet 12 that he kept the implements in a box, said that Bolten has told him so many lies that he does not now know what is the truth.

On Bolten being asked whether he had to say anything against Richelieu's statement, replied that if Richelieu would only tell the truth, setting aside the lies which they had agreed to tell, the depositions would better agree.

Being asked what was their purpose in stating what was not true, said that it was in order to move the pity of the people whom they would meet, but that the very moment they were arrested he recommended him to tell only the truth.

Upon Richelieu being asked whether the statement Bolten had just made is true, the latter said that the first part is true, but that he did not recollect having been recommended to tell the truth.

Upon Bolten being asked why they thought it necessary to invent losses which they had not sustained in order to appeal to compassion, if they did not consider sufficient their condition of shipwreck and nineteen days' voyage, said that it was Richelieu's invention, which he agreed to tell because he found nothing out of the way in it; that Richelieu also proposed to him to say that a ship had met them which had given them something to eat, but that he (Bolten) objected to so much invention.

Upon Richelieu's being asked whether there is any truth in Bolten's statement, he (Richelieu) said that he did not remember.

At this state of the proceedings the attorney ordered the suspension of the confrontation and ruled that the deponents had agreed upon the nonexistence of the nets.

Signed by the attorney, interpreter, and me, the secretary.

AUGUST BOLTEN.  
GONZALEZ DE LA PUENTE.  
GUSTAVE RICHELIEU.  
L. AGOSTINO, *Interpreter.*

Before me.

MANUEL BRISO.

A true copy.

*Report of the marine attorney.*

On the 23d day of February last a boat reached this port in a rather bad condition, 4½ meters long, and provided with sails, manned by two men, who turned out to be Swedish, one of them, and French the other, but both citizens of the United States. The boat has neither name nor documents, and her crew, Bolten and Richelieu, only carry the following documents: The former a passport issued on February 4 by the consul-general of the United States of America at Puerto Principe (Haiti) to enable Bolten to go to Cape Haitien to attend to his private business, and the latter a certificate issued on the 7th of the same month by the consular agency of the same nation at San Marcos, showing that Richelieu landed in accordance with the law of November 29, 1893, from the American schooner *Orlando*. From their depositions, which are the only data upon which an opinion can be formed, they left with the boat without any clearance papers on February 4 to go to the Haitien Cape to fish tortoises and without any agreement, either written or even conventional, containing the conditions under which each one went. After touching at various ports of

the coast, among them San Marcos, where Richelieu received his certificate, they reached the "Mole de San Nicolas" on the 12th. With westerly winds, they left on the 13th without being able on that day to round the cape, for which reason they cast anchor at sunset.

On the following days they had easterly winds, which accounts for their not being able, in view of the boat's condition, to go to "Cabo Haitiano;" but there is nothing to justify the voyage undertaken then by them to the Cuban coast, as, although Bolten says that he did not desire to return to Puerto Principe, they might have stayed at "La Mole" to wait for favorable winds, which would enable them to continue to Cabo Haitiano, where they went, attracted by the abundance of tortoise on that coast and the facility of its being fished, according to their representation. They arrived at Caimanera on the 17th, and after seeing at Guantanamo the consular agent of the United States, they left on the 20th without clearance papers and verbally cleared, as reported by said agent. It seems natural that since they did not wish to return to Haiti and desired to look for work in this island, they should have tried to find it at Guantanamo. However, in spite of the bad condition of the boat, they preferred to come to this port and look for work here. Taking into account all the above statements and the special present condition of the island, particularly this region, and likewise that their arrival at Caimanera took place immediately before the uprising of the insurgent forces at Guantanamo.

Resulting, that said individuals have no document whatever showing the place where the boat comes from.

Resulting, that they left Caimanera without clearance papers, knowing that they ought not to do it.

Considering the facts set forth in his deposition by Felipe Thureauux from Richelieu's confidences and also the different newspaper clippings with portraits of insurgents carried by them, among which is that of Marti;

Considering the chart which Thureauux said they had in their clothes and which was actually found on them; although a small one, it can give a knowledge of the distance from Cuba with respect to any place of the Haitien coast;

Considering the contradictions which appear in their first depositions and the facts which, being untrue, they agreed to state,

Everything tends to show in a suspicious light the American citizens Bolten and Richelieu. Taking into account the protocol signed at Madrid on January 12, 1877, the carrying out of which was ordered on April 8 of the same year, my opinion is, subject to your own superior judgment, that the present proceedings should come under the ordinary jurisdiction, or that they may be continued by the marine jurisdiction owing to the present circumstances, or that the case may be abandoned, for which reasons, if you deem it advisable, I have naturally refrained from ordering them to be set free.

Santiago de Cuba, March 9, 1896.

GONZALO DE LA PUERTA.

A true copy.

*Report of the auditor of the naval station of Havana, and decision of the commander-general relinquishing the case on behalf of the ordinary jurisdiction.*

EXCELLENCY: In view of the proceedings instituted in the court of admiralty of Santiago de Cuba on the occasion of the arrival at that port of a boat without clearance papers, manned by two individuals named Gustave Richelieu and August Bolten, American citizens, as shown by the documents of folios 4, 5, and 6 of said proceedings, taking into account the provisions of protocol of January 12, 1877, which was ordered to be carried out by Royal order dated 19th May, of the same year, it is my opinion, entirely in accord with the previous decision of the attorney of the naval station, in considering that no citizen of the United States accused of acts of sedition, disloyalty, or conspiracy against the institutions, public safety, integrity of the territory, or against the supreme government, or of any other offense, may be submitted to any exceptional tribunal, but exclusively to the ordinary jurisdiction except in the case when he is taken with arms in hand, which does not occur in the present case as it is inferred from the examination of these proceedings, that according to the law it seems right that your excellency should be pleased to provide for the reference of the case to the ordinary jurisdiction, leaving at its disposal the two individuals imprisoned in the prison of Santiago de Cuba; and these proceedings, the luggage, and boat referred to in said proceedings, to the court of instruction of the corresponding district of said capital, and making this decision known to the consul of the United States in the same city.

Notwithstanding, your excellency will decide.

Habana, May 20, 1896.

JOSÉ VALCARCEL.

HABANA, May 21, 1895.

Agreeing entirely with the above advice, let it pass to the commander of marine to Santiago de Cuba in order that he may carry it out in all its parts all that is proposed therein.

ALEJANDRO ARIAS SALGADO.

A true copy.

*Communication of the commander of marine of Santiago de Cuba to the judge of instruction, delivering him the papers relating to the case.*

COURT OF ADMIRALTY AND OFFICE OF THE CAPTAIN OF THE PORT,  
*Attorney's Office.*

In view of the decree of the general commander of the naval station approved by the auditor, providing that the ordinary jurisdiction shall take cognizance of the case and ordering that the two individuals imprisoned in the prison of this city mentioned in the second sheet, and also the delivery of these proceedings, of the luggage and boat referred to in the judicial proceedings to the judge of instruction of the corresponding district, I have the honor to inclose herewith the papers above referred to, and also to inform you that the luggage was handed to said prisoners as shown in sheets 75 and 76, and that the boat is in this court of admiralty at your disposal. I hope that you will be pleased to acknowledge receipt of said papers to this attorney's office.

May God preserve you many years.  
Cuba, March 28, 1895.

GONZALO DE LA PUERTA.

*The Judge of Instruction of the South District of this City.*

*Decree of the ordinary judge on taking charge of the case.*

CUBA, March 31, 1895.

The receipt of this case is acknowledged. Let it be delivered to the clerk of the court, Isidro de Tapia, he being one of the clerks who has less cases in course of process. Let the usual reports of its initiation be given.

And pending the decision with regard to further proceedings, let the examination of August Bolten and Gustave Richelieu be amplified, and for that purpose the court shall be transferred to the hospital and prison and the Government interpreter.

Ordered and signed by the judge before me, to which I certify.

ARISTIDES MARAGLIANO.  
ISIDRO DE TAPIA.

A true copy.

[Translation.]

*Communication of the United States consul at Santiago de Cuba to the judge of instruction.*

UNITED STATES CONSULATE,  
Santiago de Cuba, April 1, 1895.

His Excellency Don ARISTIDES MARAGLIANO,  
*Judge of Instruction of the South District of Santiago de Cuba.*

SIR: I acknowledge receipt of your courteous communication of to-day's date, and in answer to the interrogatories therein contained I have to say the following:

First. With the jailer's permission, this consulate has given now and then to the prisoners Bolten and Richelieu, American citizens, newspapers to read, generally the New York Herald, World, and Philadelphia Record, because they complained at not being able to speak Spanish, and time seemed too long to them.

As said papers were taken from piles of old numbers at random and without looking at the dates nor the contents, I do not know whether the portrait referred to of José Martí was printed in some of them. Judging, however, by the publicity given to the present movement and by the tendency to the illustrations noted in the American press, it is very possible that the portrait of said individual may have been printed in one of the newspapers.

(2) August Bolten, born in Sweden, was naturalized in the court of first instance of the city and county of New York, on March 6, 1893. The document of naturalization, together with letters which recommend Bolten's credit, which were given me

a little after his imprisonment, I have in my keeping, and I shall have pleasure in placing them at your disposal for their examination.

Gustave Richelieu, born in France, was, I am informed, naturalized at Boston in 1870 or 1871. The latter, at the moment of his arrest, had a landing certificate from the American pailebot *Orlando*, duly signed and sealed by Charles Miot, consular agent of the United States at St. Marc, Haiti, which document gives him all the rights of an American sailor.

The document also certifies that Richelieu is an American citizen.

The original document was seized by the attorney, commander of marine. I have, however, kept a copy of it.

(3) The consulate identifies the prisoners by their documents, which at first sight is a strong proof unless there is a positive evidence to the contrary. Private intelligence also corroborates the question of identity. I assure you that I am gratified to know that the case of the prisoners, in accordance with the protocol of 1877, has been placed under the jurisdiction of the court so worthily presided over by you, and I am confident that the prisoners will be treated in accordance with law and justice. You will pardon me if I state that this consulate has been disposed to believe the men above referred to to be free from any intention to violate the law or public peace, and that it is inclined to the opinion that they come under section 8 of the solemn treaty between Spain and the United States relating to shipwrecked. As these men have been imprisoned for more than five weeks I shall be gratified if you will expedite their trial.

I have the honor to be, sir, your obedient servant,

PULASKI F. HYATT.

A true copy.

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*Letter from the missionary, Mr. Westmase, to the consul of the United States at Santiago de Cuba.*

The AMERICAN CONSUL,  
*Santiago de Cuba.*

SIR: I have just received a letter from my friend, Captain Bolten, who is in prison because he is suspected to have stolen a boat and has arrived at the port of Santiago de Cuba without passport.

I wish to state that I know the Captain well and I may verify the fact that the boat in which he made the voyage from Mole to Cuba was his exclusive property, as he bought her when he was in my house.

I know him to be a good and honest man, and I trust that you will use your authority to obtain his liberty.

Believe me, very truly, yours,

WESTMASE S. SMITH,  
*Wesleyan Missionary.*

A true copy.

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*Decree ordering the liberty.*

CUBA, April 25, 1896.

*Mr. Judge of Instruction of the South District of this City.*

Whereas by a decree dated the 1st instant proceedings were instituted against Messrs. August Bolten and Gustave Richelieu, and their imprisonment was decreed without bail.

Whereas although the investigation which the Spanish consul may have made at Port au Prince has not been received, yet, owing to the deposition made by the Spanish citizen, Don Manuel Barnuevo, and the other data contained in the procedure, there is no doubt that the motives which led to said imprisonment do not exist now, for which reason the provisions of article 528 of the law of criminal procedure have to be carried out. Let the above-mentioned August Bolton and Gustave Richelieu be set free, causing them to constitute a bond for their presentation every eight days before the court of tribunal which has cognizance of the case, and let the proper order be issued to the jailer.

Ordered by the judge and signed by him, which I certify to.

ARISTIDES MARAGLIANO.  
ISIDRO DE TAPIA.

*Order for the conclusion of the proceedings.*SANTIAGO DE CUBA, *April 26, 1896.*

Whereas this procedure was begun on February 23, on a charge of rebellion, against the American citizens Messrs. August Bolten and Gustave Richelieu, all the proceedings having been officially instituted;

Whereas the fact has been duly investigated and also its circumstances and authors, the conclusion of the summary is to be lawfully declared in the opinion of the signer of this order;

In view of articles 622 and 623 of the law of criminal procedure, the summary is delivered to be ended and let it pass to the superior court in the respectful form of style, after the prisoners have been summoned, and let the present order be communicated to the illustrious attorney of His Majesty.

A true copy.

*Suspension.*TERRITORIAL COURT, SANTIAGO DE CUBA, *Secretaryship of the Island:*

In the criminal suit proceeding from that court instituted against August Bolten and Gustave Richelieu for the offense of rebellion and order for temporary suspension of the same, has been issued by the court of justice on June 22 of the present year, returning the papers of the case to you.

Which I communicate to you that you may take action upon them, duly acknowledging their receipt.

God guard you for many years.

Cuba, July 30, 1896.

A true copy.

Dr. RAMON MARTINEZ, *Secretary.*

[Translation.]

MINISTRY OF STATE,  
*San Sebastian, September 30, 1896.*

EXCELLENCY.

MY DEAR SIR: After the note which I had the honor to send to you yesterday, relative to the claim of Mr. August Bolten, was written and approved, and while the documents accompanying it were being copied, I received your No. 174, of the 15th instant, making a similar claim in behalf of Richelieu, the other individual involved in the same case.

As the case is identical for Bolten and for Richelieu, since both were arrested on the same grounds, and since only one set of proceedings was instituted, I pray your excellency to consider as repeated, in answer to your said note No. 174, all I stated to your excellency in mine of yesterday also referred to.

I avail myself of this opportunity to renew to your excellency the assurances of my most distinguished consideration,

THE DUKE OF TETUAN.

The MINISTER PLENIPOTENTIARY OF THE UNITED STATES.

*Mr. Olney to Mr. Taylor.*

No. 603.]

DEPARTMENT OF STATE,  
*Washington, November 10, 1896.*

SIR: Referring to the Department's No. 483 of March 18 and No. 556 of August 31 last, I have to say that the Department desires to know the status of the claims of Bolten and Richelieu against the Government of Spain.

I am, etc.,

RICHARD OLNEY.



*Mr. Olney to Mr. Morse.*

DEPARTMENT OF STATE,  
*Washington, November 19, 1896.*

SIR: Referring to your letter of August 18 last, I have to say that the Department is advised by our minister at Madrid that the Spanish Government rejects the claim of Gustave Richelieu on the ground (1) that there was reasonable ground to arrest him and institute proceedings against him, and (2) that the judicial proceedings which resulted in his release were the shortest and most expeditious permitted by the laws of procedure to which both Spaniards and foreigners are subject.

I am, etc.,

RICHARD OLNEY.

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*Mr. Taylor to Mr. Olney.*

No. 608.]

UNITED STATES LEGATION,  
*Madrid, November 21, 1896.*

SIR: I have the honor to acknowledge the receipt of your No. 603, relative to the claims of Bolten and Richelieu, and in reply thereto to refer you to my No. 594, of the 4th instant, with inclosures, in which your inquiry is answered.

I am, etc.,

HANNIS TAYLOR.

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*Mr. Morse to Mr. Olney.*

WASHINGTON, D. C., *December 2, 1896.*

SIR: I have the honor to acknowledge receipt of communication from the Department dated November 19, 1896, advising "that the Spanish Government rejects the claim of Gustave Richelieu on the ground (1) that there was reasonable ground to arrest him and institute proceedings against him, and (2) that the judicial proceedings which resulted in his release were the shortest and most expeditious permitted by the laws of procedure to which both Spaniards and foreigners are subject."

The answer of Spain as above abbreviated makes it clear to my mind that Spain has purposely or ignorantly misstated or mistaken the ground upon which the claim of Richelieu is rested. The claim rests upon a charge against Spain of the violation of stipulations of the treaty of 1795 in respect to Richelieu and Bolten, which are set out in terms in the brief filed by the undersigned. The law of nations is also relied upon to sustain the claim to a pecuniary indemnity.

However, as the undersigned proposes to reply at length to the answer of Spain rejecting the claim, I request that a copy of the expediente or other papers which have been transmitted to the (?) may be forwarded to the undersigned for consideration and reference when comparing such reply.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE,  
*Counsel for Richelieu.*

*Mr. Rockhill to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, December 3, 1896.

SIR: In reply to your letter of the 28th ultimo to Mr. Faison, I inclose herewith a copy of a dispatch from the United States minister at Madrid, No. 594, of the 4th ultimo, with its accompaniments, in regard to the rejection of the Richelieu-Bolten claim for indemnity.

I am, etc.,

W. W. ROCKHILL,  
Assistant Secretary.

*Mr. Olney to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, December 4, 1896.

SIR: In reply to your letter of the 2d instant, I have to say that on the 3d I promised to give you a copy of the dispatch from the United States minister at Madrid, showing the grounds for the rejection of the claim of Gustave Richelieu.

The papers are now being copied and will be sent to you without unnecessary delay.

I am, etc.,

RICHARD OLNEY.

*Mr. Morse to Mr. Olney.*

DECEMBER 19, 1896.

SIR: I have to acknowledge in due course the receipt of a communication from the Department of State, dated December 3, 1896, transmitting copy of a dispatch from the United States minister at Madrid, No. 594, of the 4th ultimo, with its accompaniments in regard to the rejection of the Richelieu-Bolten claim for indemnity.

Under date November 19, 1896, I had been informed by the Department that "the Spanish Government rejects the claim of Gustave Richelieu on the ground (1) that there was reasonable ground to arrest him and institute proceedings against him; and (2) that the judicial proceedings which resulted in his release were the shortest and most expeditious permitted by the laws of procedure to which both Spaniards and foreigners are subject."

Acknowledging the receipt of the last-mentioned communication I advised the Department that I proposed to reply at length to the answer of Spain rejecting the claim, and requested that a copy of the expediente or other papers which had been transmitted to the Department by the United States minister at Madrid should be forwarded to the undersigned for consideration and reference when preparing such reply.

I have just examined the portions of the expediente which were transmitted by the ministry of state, San Sebastian, September 29, 1896, to the United States minister at Madrid, and by the latter forwarded to Washington, and I have reached the conclusion that these papers, which are supposed to justify the rejection of these claims by Spain, do not require any lengthy reply, for the reasons following:

First. Because the objections to the entertainment by Spain of these

claims have been anticipated, and have been, it seems to the undersigned, fully met and answered by a brief filed by the undersigned in the Department on the 20th day of August, 1896.

Second. Because the substantive matter contained in the expediente does not deny or contradict material allegations contained in the record and insisted upon by this Government in the diplomatic correspondence touching these claims. On the contrary, the official reports set out at length of the Spanish administrative authorities fully sustain the position taken on behalf of claimants. As to the first proposition, I am not informed whether or not the brief which I had the honor to transmit to the Department meets its approval; and there is nothing in the letter of transmittal of the United States minister at Madrid to indicate that he rested the claim on the ground taken in my brief. But if the Secretary of State will turn to page 11 of the brief he will observe that the claim against Spain was grounded from a violation by her administrative authorities in Cuba of plain and explicit guaranties of exemption from arrest and arbitrary interference by either Government in respect of the citizens or subjects of the other under circumstances analogous to those which surrounded claimants. If I am correct in my reading of the treaty provisions referred to, the claimants were not at the time of their first apprehension nor on occasion of their second arrest amenable to the jurisdiction of the authorities of Spain. And this was the view of the actual situation officially expressed by the United States consul at Santiago de Cuba as early as the 28th of March, 1895. (House Doc. No. 224, Fifty-fourth Congress, first session, p. 116.)

As to the second proposition, the attempt to justify the imprisonment of Richelieu and Bolton, notwithstanding the evidence which was produced by the United States consul indicating the truth of their entire story, upon the deposition of a prisoner "undergoing a four months' sentence as receiver of stolen goods," which appears to have been the only ground for suspicion, was in keeping with the character of evidence upon which Spain has rested her defense in these cases. The depositions of the convict accused "the North American prisoners of having shipped from Haiti insurgents and ammunition;" and the communication of the ministry of state admits that the charges proffered by the deponent were not proved. That in the nature of things such a charge was without any basis whatever appears from the description of the boat contained in the report of the marine attorney. (See also House Doc. No. 224, Fifty-fourth Congress, first session, pp. 111-131.)

The charge that these American citizens had entered Cuban ports in a small craft without regularly documented clearance papers, if true, did not constitute a crime punishable by arbitrary arrest and cruel imprisonment for sixty-two days; and the failure to produce the same, if not accounted for, was at most a civil offense, subjecting the boat to seizure or detention in default of the payment of fine on the part of the officers or owners. And the personal papers which they carried, establishing their identity and recognizing them as citizens of the United States, entitled them to the protection of the guarantees contained in the treaty of 1795. But, as has been asserted in our brief, neither the port of departure or destination was Cuban, but Haitian; and if the papers satisfied the authorities of the latter State, it was no concern of the Spanish officials. Storm driven and nearly shipwrecked, these

unfortunate individuals were entitled to hospitality under the law of nations and the treaty provisions.

The charge that while in Haiti these individuals were plotting the crime of rebellion against Spain finds no basis for indulgence in the record, which, on the contrary contains evidence which exposes the frivolous character of this accusation, which appears to have been an afterthought of the administrative authorities.

In the absence of any criminating proof whatever, the circumstance that Richelieu and Bolten entered Cuban ports in open day at a time "immediately before the uprising of the insurgent forces at Guantamano," furnished no sufficient ground or excuse for the cruel treatment and long imprisonment to which they were subjected. There is nothing in the record, which has been made up almost in its entirety by Spain, that connects these individuals or their disastrous voyage with the insurgents in Cuba or elsewhere. On the contrary, all the evidence corroborates, as the administrative authorities reluctantly admit, the accuracy in all essential particulars of the story of the storm-tossed seamen. The character and dimensions of the boat negative the possibility of its use as a transport for munitions or men. It was, what it was claimed by the seamen to be, a fishing craft. And the fact of its purchase at Port au Prince and the good character of Bolten is testified to by the Wesleyan missionary at that port.

In conclusion, I invite attention to the circumstance that, as appears from the communication of the ministry of state, San Sebastian, September 30, 1896, to the United States minister at Madrid, the conclusion to reject the claim of Bolten was reached after examination of the record in that case, and before the Richelieu record was considered. So far as the undersigned is informed, the former record was not supported by brief on the part of counsel nor was the claim for pecuniary indemnity placed upon the grounds upon which the claim in the Richelieu case was rested. In the Richelieu case a printed brief containing 30 pages was filed in the Department of State, which rested the claim for pecuniary indemnity upon the law of nations and provisions of the treaty of 1795. As this record was not examined or pressed upon Spain, it seems to me we are justified in asking the Government to again bring this claim to the attention of Spain for a determination of the issue fairly raised in the Richelieu record. I have, therefore, to ask consideration of the points suggested in this communication and to the printed argument on file in the Department, with a view to such action as to the honorable Secretary may seem just and proper under the circumstances.

The claimant, Richelieu, is in a desperate condition physically and financially, the result in great measure, as alleged, of cruel treatment by Spanish authorities in Cuba; and an appeal is made to his Government to secure for him and his associate in suffering, Bolten, some measure of pecuniary redress before the end comes.

But apart from considerations of a merely personal nature, I can not but believe that a high state purpose may well influence the action of the Government in demanding reparation for violations of treaty stipulations by Spain under the circumstances disclosed by the record in these cases.

I am, etc.,

ALEXANDER POETER MORSE,  
*Of Counsel.*

*Mr. Olney to Mr. Taylor.*

No. 634.]

DEPARTMENT OF STATE,  
Washington, January 5, 1897.

SIR: Referring to your No. 594 of November 4 last, inclosing the reply made by the Spanish Government in the cases of Richelieu and Bolten, I now transmit copy of a recent letter from Mr. Alexander Porter Morse, counsel for Richelieu, which, together with the printed brief sent along with the memorial in behalf of the claimant, he desires to be placed in the hands of the Spanish Government.

I am, etc.,

RICHARD OLNEY.

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*Mr. Olney to Mr. Taylor.*

No. 637.]

DEPARTMENT OF STATE,  
Washington, January 6, 1897.

SIR: Referring to the Department's instruction to you of yesterday in regard to the case of Gustave Richelieu, I have to say that as a part of Mr. Morse's printed brief relates to matters which were for the consideration of this Department alone, you may use the arguments contained in it, with the exception of the reference to the citizenship of Richelieu, in making your reply to the last note of the Spanish Government on the subject.

As the case of Bolten is based upon precisely the same facts and is upon the same footing in all essentials with that of Richelieu, you will make your reply cover both cases. The two cases stand together, and the treatment of them should be joint.

I am, etc.,

RICHARD OLNEY.

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[Telegram.]

*Mr. Olney to Mr. Taylor.*

DEPARTMENT OF STATE,  
Washington, January 6, 1897.

AMERICAN MINISTER, Madrid:

Suspend action on No. 634.

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*Mr. Coakley to Mr. Olney.*

BOSTON, January 27, 1897.

DEAR SIR: A gentleman, Pierre Gustave Laymet Richelieu, who claims to be an American citizen, and that he was unjustly imprisoned in Cuba by the Spaniards, has requested me to write you, asking how his case before the Spanish court stands at present. He has shown me communications from his attorney at Washington, Mr. A. P. Morse, in which that gentleman informs him that his claim for indemnity from the Spanish Government because of his imprisonment has been marked "Special" by the State Department, and that it was to be pressed with all possible speed.

It is some time now since he has heard anything, and he would like to hear from you just how his case stood, and when, if ever, there was a likelihood of its being settled. He is in very straitened circumstances and suffering keenly from poverty.

Hoping for an early reply, yours, very respectfully,

JOHN J. COAKLEY.

(Care of Boston Traveler, Boston, Mass.)

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*Mr. Morse to Mr. Olney.*

WASHINGTON, D. C., *March 1, 1897.*

SIR: My attention has been called to the statement of the case of Gustave Richelieu in the list of American citizens, native and naturalized, who were arrested and imprisoned in Cuba since February 24, 1895, and which was transmitted to the Senate by the President on the 25th of January, 1897, in response to Senate resolution of December 21, 1896.

This statement, as printed in Document No. 84, Fifty-fourth Congress, second session, page 3, understates the case, and is misleading in particulars which it is desirable should be corrected as soon as an opportunity to do so occurs.

The fact is, that Richelieu and his companion, August Bolten, also a citizen of the United States, were not "taken in a boat near 'Santiago,'" as stated, but were arrested after they had landed, and when they were on their way to the United States consulate to report in accordance with their duty and treaty rights; and so far from being released "shortly after" were held in a loathsome prison with criminals and convicts for sixty-two days, notwithstanding the most earnest and repeated demands for their release which were made by the United States consul, under instructions from the Department.

As these cases have received the special consideration of the Department, and as the American minister at Madrid has been instructed to urge their settlement, it is important that no other than a correct statement should appear in a public document issued by the United States. It seems to the undersigned, further, that it should appear that neither Richelieu nor Bolten were natives of Spain, the former being native of France and the latter of Sweden.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE,  
*Counsel for Richelieu.*

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*Senator Lodge to Mr. Sherman.*

WASHINGTON, D. C., *March 8, 1897.*

SIR: I inclose herewith a letter which explains itself. I bespeak for this case your attention and consideration, and I trust it may be taken up and acted upon.

Very respectfully, yours,

H. C. LODGE.

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BOSTON, *March 8, 1897.*

DEAR SIR: I have been requested to write you by a man in Boston here who has a claim against the Spanish Government, and who would like to have you see what has been done or is likely to be done with it.

His name is Gustave Richelieu; he is a Frenchman, but a naturalized American citizen. On January 23, 1895, he and a companion named August Bolten were taken prisoners at Santiago de Cuba by the Spaniards, on suspicion of being Cuban spies. After some time they were liberated, and returned to the United States. They each made a claim for \$10,000 indemnity from Spain, and the State Department, after looking their claim up, instructed the American minister at Madrid to push the claims. Richelieu's attorney is Alexander P. Morse, 505 Pennsylvania avenue, Washington.

Richelieu has not heard anything for some time concerning his claim, and he is anxious to know just where it stands. He is old and crippled, and lost his all when taken prisoner in Cuba. He has not a cent in the world, and subsists on what is given him. Under the circumstances, if you could do anything to hasten a settlement of his claim you would be doing an act of great charity.

Hoping to hear from you,  
Yours, very respectfully,

JOHN J. COAKLEY,  
307 Washington street, Boston.  
(Care of Boston Traveler.)

Senator HENRY CABOT LODGE.

*Mr. Taylor to Mr. Sherman.*

No. 660.]

LEGATION OF THE UNITED STATES,  
*Madrid, March 9, 1897.*

SIR: I have the honor to inclose, with translation, the last communication of the Spanish Government touching the case of Bolten-Richelieu, and to await your further instructions, if any.

I am, etc.,

HANNIS TAYLOR.

[Translation.]

MINISTRY OF STATE, *Palace, March 1, 1897.*

EXCELLENCY.

MY DEAR SIR: As inclosures to your note of the 29th of January last you sent to me an argument presented in support of the claim of the sailor Gustave Richelieu by his attorney, and a letter from the same lawyer written after having read the answer which I had the honor to address to your excellency on the 29th of September last.

Having examined both documents, I can not find in them any reason to modify the conclusions arrived at in that date.

The whole argument of the lawyer, Mr. Morse, rests upon a supposed violation of Articles VI, VII, and VIII of the treaty of 1795 committed by our authorities in detaining two citizens of the United States for the simple fact of having landed in the coasts of Cuba.

The briefest examination of the true facts discloses a grave mistake in that hypothesis.

Richelieu and his companion, Bolten, were not detained for having landed in Spanish territory, as I have already had occasion to demonstrate to your excellency.

Their arrest took place when the island of Cuba was at the beginning of a formidable insurrection. In every point of the coast landed large and small expeditions—arrived from several ports and shores of the Mexican Gulf. Many of those who afterwards took a part in the rebellion as chiefs, rank soldiers, and scouts, came precisely from Haiti, as is well known, using small crafts similar to that of the claimants. In no other manner did the well-known chief Antonio Maceo join the insurgent bands, and so great was the number of those who used this means of coming to and going from the island that I do not consider it venturesome to say that at a certain time there was a regular communication by means of small crafts and open boats between Cuba and the Antilles and the nearest keys.

Under these circumstances, and when it was necessary to check such infiltration or entering of rebels by means of a close watch upon even the apparently most humble and harmless, the claimants arrived at the port of Guantanamo, without any documents whatever to prove their nationality or that of their vessel, and afterwards, without authorization, they went to Santiago de Cuba.

What charge can be made against the proper marine authority for having detained them, not for the imaginary offense of having landed in Spanish territory, but as *suspicious persons*—that is to say, only until it could be ascertained whether or not they were entitled to enjoy the benefits of the above-mentioned treaty? Indeed, who will

maintain that those benefits are absolutely unconditional, and that they extend even to those who bear hostile intentions for the integrity or for the sovereignty of Spain? Despite the perspicacity which may naturally be attributed to such an experienced lawyer, Mr. Morse has failed to make a distinction essential for the proper appreciation of the present case, viz, that in practice the time of the application of a legal text may vary when there are sufficient reasons for it. In fact, the application of the treaty of 1795 did not suffer any alteration, but only a justified delay, which was followed by the full and immediate application of the treaty as soon as it was possible to do so.

After obtaining the proofs—which, by the way, were negative—of the innocence of the claimants, they were placed in liberty, and your excellency is well aware, by my previous communications, of the very just causes which delayed the taking of this decision, such as the change of jurisdiction requested by a consul of your nation and the necessity of issuing letters rogatory in the interests of the claimants themselves; therefore no complaint should be based upon that inevitable delay.

It is therefore evident that the agreement of 1795 was perfectly complied with in the case of Bolten-Richelieu, and that all the consequences which it was pretended to draw from the basis of its violation, and with them the whole contents of Mr. Morse's argument, have lost their value.

Only for the purpose of defining more clearly still the true significance and importance of the detention imposed upon the claimants, I will rebate a secondary statement contained in said document. The attorney of Richelieu imagines to have discovered an irregularity in the administration of justice which, according to him, consists of the fact that the civil tribunal confirmed the penalty imposed by that of marine without considering that where there is no sentence there can be no confirmation. One jurisdiction having inhibited the case in favor of the other, and the latter having maintained the detention of the two claimants, it is seen, without doubts of any kind, that that detention was only preventive and not penal, and this essential difference compels that Government of His Majesty to deny the right of the claimants to an indemnity.

I will not answer here to the charges of cruelty made by Mr. Morse against our authorities, nor to the absurd supposition that Bolton and Richelieu had been accused of having rebelled against Spain while in Haiti. I have already rebutted and cleared those charges in my above-mentioned note.

As regards the letter of Mr. Morse, your occupations and mine do not allow me to discuss in detail a writing which is limited to confirming in general terms the contents of the brief. The latter having been answered, the former is also answered, and I believe that your excellency will agree with me in this, although I do not fail to understand the motive of your having sent me a document in which the statements of the former are confirmed.

It only remains for me to observe that the Government of His Majesty finds the conduct of its delegates as regards the case of Bolten-Richelieu to be above all censure and perfectly reasonable and correct, and that it must support and uphold them against the arguments of Mr. Morse with all decision, inasmuch as it has recently shown its purpose to rigorously exact from the Cuban authorities the fulfillment of the interior laws and of the international agreements. The defence which in all occasions the Government of his Majesty observes toward that of the United States has induced this Government, in spite of the decision previously communicated to your excellency, to again take up the subject; but I deem it my duty to inform you that, despite our best wishes to please your Government, it will not be possible for us to discuss any further the present claim which, by the above, I consider to be definitely ended.

I gladly avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

THE DUKE OF TETUAN.

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*Mr. Rockhill to Mr. Morse.*

DEPARTMENT OF STATE,  
Washington, March 10, 1897.

SIR: Your letter of the 1st instant, relating to the arrest and imprisonment in Cuba of Gustave Richelieu, has been received.

Your suggestion regarding a correction of the statement that Richelieu and Bolten were captured in a boat near Santiago has been noted in the dispatch containing this report.

Respectfully, yours,

W. W. ROCKHILL,  
Assistant Secretary.



*Mr. Rockhill to Senator H. C. Lodge.*

DEPARTMENT OF STATE,  
Washington, March 10, 1897.

SIR: In reply to your letter of the 8th instant, in regard to the claim of Gustave Richelieu against the Government of Spain, I have the honor to say, by direction of the Secretary, that the claim has been presented to the Spanish Government. That Government denies its obligation to indemnify Mr. Richelieu. The Department has instructed our minister at Madrid to again present the claim with additional arguments. Mr. Alexander Porter Morse, Mr. Richelieu's attorney, is kept fully advised of the progress of the case.

Respectfully, yours,

W. W. ROCKHILL,  
Assistant Secretary.

*Mr. Rockhill to Mr. Coakley.*

DEPARTMENT OF STATE,  
Washington, March 26, 1897.

SIR: I have to acknowledge the receipt of your letter of the 22d instant in regard to the claim of Gustave Richelieu against Spain.

In reply I have to say that Mr. Richelieu's attorney, Mr. Alexander Porter Morse, of 1505 Pennsylvania avenue, Washington, D. C., has been kept fully informed in regard to the case, and will no doubt keep his client advised. The claim has been urged with vigor and persistency, but Spain has not conceded the right to indemnity.

Respectfully, yours,

W. W. ROCKHILL,  
Assistant Secretary.

*Mr. Morse to Mr. Sherman.*

WASHINGTON, D. C., April 10, 1897.

SIR: I transmit an additional affidavit of complainant in the matter of the claim of Gustave Richelieu against Spain on account of arbitrary arrest and false imprisonment at Santiago de Cuba, setting forth the place and date of complainant's naturalization as a citizen of the United States, with the request that it be filed with and annexed to the papers in this case now on file in the Department.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE,  
Of Counsel for Complainant.

Know all men by these presents:

That I, Gustave Richelieu, of Boston, county of Suffolk and Commonwealth of Massachusetts, do hereby make oath, depose, and swear that on or about the 10th day of September, A. D. 1871, I took out my first papers declaring my intention of being a citizen of the United States, at Portland, Oreg., and that on or about the 12th day of April, A. D. 1876, I took out my final papers which made me a citizen of the United States in Boston, State of Massachusetts, said final papers being made out and recorded in the district court of the United States for the district of Massachusetts. That for some reason unknown to me there is no record of my final naturalization.

Witness my hand and seal this 26th day of December, 1895.

GUSTAVE RICHELIEU,

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*BOSTON, *December 26, 1895.*

There personally appeared the above-named Gustave Richelieu and made oath to the truth of the above subscribed by him.

Before me,

CORNELIUS P. SULLIVAN,  
*Justice of the Peace.*

Superior court for the transaction of criminal business within and for said county.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

I, John P. Manning, of Boston, in said county, duly elected, qualified, and sworn as clerk of the said superior court, within and for said county and Commonwealth, said court being a court of record with a seal, which is hereto affixed, do hereby certify that Cornelius P. Sullivan, by and before whom the foregoing acknowledgment or proof was taken, was, at the time of taking the same, a justice of the peace, authorized to act in said Commonwealth, and was duly authorized by the laws of said Commonwealth to take and certify acknowledgments or proofs of deeds of land in said Commonwealth, and, further, that I am well acquainted with the handwriting of said Cornelius P. Sullivan, and that I verily believe that the signature to said certificate of acknowledgment or proof is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 27th day of December, 1895.

[SEAL.]

JOHN P. MANNING,  
*Clerk of said Court.*

*Mr. Morse to Mr. Sherman.*

WASHINGTON, D. C., *April 12, 1897.*

SIR: I transmit herewith certificate of Dr. P. W. Heffern, the attending physician of the Boston Emergency Hospital, dated April 2, 1897, as to the condition and treatment of Gustave Richelieu, claimant for pecuniary indemnity against Spain on account of his arbitrary arrest, false imprisonment, and cruel treatment by the administrative authorities at Santiago de Cuba, with the request that said certificate be filed with and attached to the papers in the claim of said Richelieu.

I am, sir, your obedient servant,

ALEXANDER PORTER MORSE.

BOSTON EMERGENCY HOSPITAL,  
*Boston, April 2, 1897.*

To whom it may concern:

This is to certify that Gustave Richelieu has been treated by me since December, 1896, for muscular and articular rheumatism, the attacks being so serious at times as to occasion the joints to swell up and rendering him unfit to work.

P. W. HEFFERN, M. D.

*Mr. Rockhill to Mr. Morse.*

DEPARTMENT OF STATE,  
*Washington, April 14, 1897.*

SIR: The Department has received your letter of the 12th instant, inclosing a certificate of Dr. P. W. Heffern, of the Boston Emergency Hospital, relative to the condition and treatment of Gustave Richelieu, a claimant for indemnity against the Spanish Government.

Respectfully, yours,

W. W. ROCKHILL,  
*Assistant Secretary.*



AUGUST BOLTEN AND GUSTAVE RICHELIEU.

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JULY 7, 1897.—Ordered to be printed.

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Mr. LODGE, from the Committee on Foreign Relations, submitted the following

REPORT.

[To accompany S. R. 61.]

The facts in connection with this case are fully recited in Document No. 47, Fifty-fifth Congress, first session, and in House Document No. 224, Fifty-fourth Congress, first session, pages 111 to 134.

An examination of these documents discloses, in brief, that August Bolten and Gustave Richelien, two naturalized American citizens, the former a native of Sweden and the latter of France, set out in a small, open boat about 15 feet long from Port au Prince on February 5, 1895. Their object was to fish for green turtles, and, with this in view, they intended to sail up as far as Cape Haitien. Both men were sailors who had drifted to Haiti from New York during the years 1893 and 1894. It appears that Bolten had managed to save a little money by doing some painting at Port au Prince, and that the small fishing boat was his property. Before leaving port the men secured the usual papers issued from the American consulate, which identified them and established their American citizenship. This attempt to go in a small, open boat from one Haitien port to another did not succeed, and they were finally driven, by stress of weather, to the coast of Cuba. Temporary landings were effected at one or two points along the Haitien and Cuban coasts, and finally, almost destitute of food and water, and after drifting about for several days, they reached Santiago de Cuba. The testimony discloses that they at once produced their papers for inspection to the captain of the port, explained their distress, and asked to be directed to the United States consul. Notwithstanding these admitted facts, they were seized by the military authorities on February 23, 1895, and thrown into a prison, from which they were not released until May 3 following. During this imprisonment both men were kept in close confinement much of the time, and both suffered great injury to health thereby. Bolten contracted yellow fever.

The seizure of these men is believed by the committee to have been in violation of article 8 of the treaty of 1795, which (in the language

of Secretary Olney) "provides for the hospitable reception of American citizens who, through stress of weather, are driven upon Spanish territory." It is further evident to the committee that the proceedings inaugurated by the military authorities against Bolten and Richelieu are a violation of the protocol of January 12, 1877, which (again quoting Secretary Olney) "provides that citizens of the United States taken without arms in hand shall be tried by the ordinary civil tribunals, to the exclusion of any special tribunal, and when arrested and imprisoned shall be deemed to be arrested or imprisoned by order of the civil authority." Both men were held by the military authorities from the 23d of February to the 21st of March, when they were turned over to the civil tribunal of the province of Santiago. It ought further to be observed that a most rigid search at the time of their seizure by the Spanish authorities failed to disclose any arms or papers or other evidences of unlawful intent.

Bolten and Richelieu have each asked for an indemnity of \$10,000 from the Spanish Government for the injuries resulting from their sixty-two days of confinement and also for the confiscation of the fishing boat. A settlement of this claim has been pressed upon Spain through the proper diplomatic channels of our Government. This effort has been unavailing, and the Spanish Government has distinctly declined "to discuss any further the present claims" and consider the incident "to be definitely ended."

In view of the above, the committee is of the opinion that it is the manifest duty of the United States to take such prompt measures as shall be adequate to obtain an indemnity for all wrongs and injuries suffered by the two American sailors, Bolten and Richelieu.

The committee accordingly reports the following joint resolution, and recommends its adoption:

JOINT RESOLUTION for the relief of August Bolten and Gustave Richelieu.

Whereas it appears from the correspondence transmitted to the Senate by the message of the President of the nineteenth day of April, eighteen hundred and ninety-seven (Executive Document Numbered Forty-seven, first session Fifty-fifth Congress), that an indemnity has been demanded by the executive department of the United States from the Spanish Government, but without avail, for the wrongful arrest and imprisonment of August Bolten and Gustave Richelieu, two naturalized citizens of the United States, under circumstances that render the Kingdom of Spain justly responsible therefor; and

Whereas it further appears, from the correspondence aforesaid, that all the diplomatic efforts of the Government of the United States exerted for an amicable adjustment and payment of the just indemnity due to the aforesaid citizens of the United States, upon whose persons the aforesaid wrongs were inflicted, have proved entirely unavailing: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby, empowered to take such measures as in his judgment may be necessary to obtain the indemnity from the Spanish Government for the wrongs and injuries suffered by August Bolten and Gustave Richelieu, by reason of their wrongful arrest and imprisonment by Spanish authorities at Santiago de Cuba in the year eighteen hundred and ninety-five; and to secure this end he is authorized and requested to employ such means or exercise such power as may be necessary.

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GEORGE WASHINGTON AGUIRRE.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

THE RESOLUTION OF THE SENATE OF FEBRUARY 26, 1897, TRANSMITTING A REPORT FROM THE SECRETARY OF STATE AND COPIES OF CORRESPONDENCE IN REGARD TO THE CASE OF GEORGE WASHINGTON AGUIRRE, IN CUBA.

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MARCH 4, 1897.—Read the first time and referred to the Committee on Foreign Relations, and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

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*To the Senate :*

I transmit herewith, in answer to the resolution of the Senate of the 26th ultimo, a report from the Secretary of State, accompanied by copies of correspondence, in regard to the case of George Washington Aguirre in Cuba.

As two of these letters, marked "Confidential," contain statements that might, if made public, prove prejudicial to Mr. Aguirre's interests, I suggest that they be regarded as confidential.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
*Washington, March 3, 1897.*

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**The PRESIDENT:**

The Secretary of State, to whom was referred the resolution of the Senate of the 26th ultimo, wherein the President is requested, "if it is not, in his opinion, incompatible with the public interests, to communicate to the Senate such information as has been furnished to or obtained by the Executive or the Department of State relating to the arrest and imprisonment of, and any proceedings against, George Washington Aguirre, a youth of 19 years of age, and an alleged citizen of the United States, who to obtain the benefit of a general amnesty proclaimed by the Captain-General of Cuba, is alleged to have surrendered to the Spanish authorities in Cuba on the 4th day of July, 1896," has the honor to transmit the accompanying copies of correspondence exchanged

between this Department and the consul-general of the United States at Havana upon the subject.

Respectfully submitted.

RICHARD OLNEY.

DEPARTMENT OF STATE,  
Washington, March 3, 1897.

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*List of papers.*

Mr. Rockhill to Mr. Lee, telegram, July 14, 1896.  
Mr. Lee to Mr. Rockhill, No. 52, July 15, 1896.  
Mr. Rockhill to Mr. Lee, *confidential*, July 21, 1896.  
Mr. Rockhill to Mr. Lee, telegram, July 24, 1896.  
Mr. Lee to Mr. Rockhill, telegram, July 25, 1896.  
Mr. Lee to Mr. Rockhill, *confidential*, about July 30, 1896.  
Mr. Lee to Mr. Rockhill, No. 72, July 30, 1896.  
Mr. Lee to Mr. Rockhill, No. 87, August 18, 1896.  
Mr. Taylor to Mr. Olney, No. 636, January 29, 1897.  
Mr. Olney to Mr. Taylor, telegram, March 1, 1897.  
Mr. Taylor to Mr. Olney, telegram, March 2, 1897.

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*Mr. Rockhill to Mr. Lee.*

[Telegram.]

DEPARTMENT OF STATE,  
Washington, July 14, 1896.

George Aguirre, claiming American citizenship, reported captured by Spanish gunboat and imprisoned at Havana. Investigate and report by cable.

ROCKHILL.

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*Mr. Lee to Mr. Rockhill.*

No. 52.]

UNITED STATES CONSULATE-GENERAL,  
Havana, July 15, 1896.

SIR: I have the honor to acknowledge the receipt of your telegram, dated 14th instant. (See preceding.)

I had already addressed the Admiral commanding this naval station with respect to this case, as Aguirre was captured by the marine authorities, and I also sent a communication to the Governor-General of the same tenor, both dated 13th instant. I claimed Aguirre as an American, a native of New York, certifying to his inscription as such in the register of citizens of this consulate-general, and asked for his release should there be no charges against him; otherwise that he be tried by civil jurisdiction, in conformity with the treaty between the United States and Spain of 1795 and the protocol of January 12, 1877.

I have received a communication from the Admiral dated 14th instant, in which he states that the question of jurisdiction is pending and being examined, and that my communication had been referred to the fiscal or prosecuting officer for his opinion thereon, according to law.

I have, in consequence, transmitted the following telegram, which I confirm:

Had already claimed Aguirre American. Informed by Admiral question jurisdiction now pending.

I am, etc.,

FITZHUGH LEE.

*Mr. Rockhill to Mr. Lee.*

[Personal.—Confidential.]

WASHINGTON, July 21, 1896.

DEAR GENERAL LEE: I have been approached here by several friends of young George Washington Aguirre, now in prison in Havana, and about whom I cabled on the 14th instant, asking if his release from prison could not be promptly secured. I told them that you had already asked the Captain-General for his release in case there were no charges against him, and that I entertained no doubt that you would be able to promptly secure it in that case. I added, however, that had he actually taken an active part in the military operations of the insurgents, notwithstanding his American citizenship, there would probably be considerable delay, and he might have to undergo a term of imprisonment.

The boy is represented to me as delicate and under age, and the case would seem to be an exceptionally hard one, although he has flown into the lion's mouth of his own free will.

I trust in view of these facts that the Spanish authorities may be found willing to be especially lenient in his case.

Very truly, yours,

W. W. ROCKHILL.

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*Mr. Rockhill to Mr. Lee.*

[Telegram.]

WASHINGTON, July 24, 1896.

It is reported that George Aguirre has been turned over to the military authorities. His American citizenship being shown to your satisfaction, and all known facts disproving capture with arms in hand, you will, if reported delivery to military court be true, renew demand for civil proceedings, pursuant to treaty and protocol.

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*Mr. Lee to Mr. Rockhill.*

[Telegram.]

HAVANA, July 25, 1896.

Admiral informed me on 23d date previous that he had inhibited marine jurisdiction in case George Aguirre in favor of military jurisdiction. I immediately claimed of Governor-General his trial by civil court under treaty or release. No reply yet received.

LEE.

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*Mr. Lee to Mr. Rockhill.*

[Personal.—Confidential.]

CONSULATE-GENERAL OF THE UNITED STATES,  
Havana, July —, 1896. (Received about July 30 or 31.)

MY DEAR MR. ROCKHILL: Replying to your personal letter of 21st July, in reference to George Washington Aguirre, I write to say I am informed he has been in the insurgent army, and that he left it, went



to the seashore, and with four companions compelled two Spanish fishermen to put him in a boat for the purpose of reaching Havana.

His four companions returned to the interior. Aguirre then gave each fisherman gold to carry him to Havana, and was captured en route. Seeing that he could not avoid capture, he threw his only weapon—his pistol—overboard, with some letters and papers he had on his person, and when taken stated he was on his way to Havana to “present himself,” which means, I suppose, to surrender. The impression is that he was on his way to New York.

The poor fishermen have been tried and sentenced to be shot, but the sentence was afterwards commuted to imprisonment for life in the African fortress.

I have protested against Aguirre’s trial by military court, but as yet nothing has been done. His case was removed from the marine to the military jurisdiction.

I shall insist, if he is tried, that the trial take place before the civil courts, and shall watch his case closely.

Very truly, yours,

FITZHUGH LEE.

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*Mr. Lee to Mr. Rockhill.*

No. 72.]

UNITED STATES CONSULATE-GENERAL,  
*Havana, July 30, 1896.*

SIR: With reference to my dispatch No. 68, of the 27th instant, relative to the case of the American citizen, Mr. George W. Aguirre, captured, as I am informed, without arms in hand, in a boat while coming to this port, I beg to state that I addressed communications on the 11th instant both to the Captain-General and to the admiral of this naval station asking for Aguirre’s release should there be no charges against him; otherwise that he be tried by the civil jurisdiction, in conformity with the treaty between the United States and Spain of 1795, and the protocol of January 12, 1877.

On the 23d of July I received a note from the admiral stating that he had inhibited the marine jurisdiction in favor of the military, and I therefore again addressed another communication to the Captain-General confirming my former request of the 11th to the effect that Mr. Aguirre be released or tried by the civil jurisdiction. I received yesterday, in response to the above, a note from the Governor-General, copy translation of which I beg to submit herewith to the Department.

I am, etc.,

FITZHUGH LEE.

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[Inclosure in No. 72.—Translation.]

The Governor-General of the Island of Cuba presents his respects to the consul-general of the United States, and has the pleasure to inform him, in answer to his courteous note of to-day, that the case of the American citizen, Mr. George W. Aguirre, is now pending resolution as to what jurisdiction shall have cognizance thereof, and that the judge-advocate acting as prosecutor having reported thereon, the case is now referred to the judge-advocate-general, who will soon resolve if the war jurisdiction shall inhibit the cognizance of the case in favor of the ordinary.

The Lieutenant-General Weyler, marquis of Tenerife, avails himself of the occasion to reiterate to Mr. Fitzhugh Lee the assurances of his esteem and distinguished consideration.

HAVANA, July 29, 1896.

*Mr. Lee to Mr. Rockhill.*

No. 87.]

UNITED STATES CONSULATE-GENERAL,  
*Havana, August 18, 1896.*

SIR: With reference to my dispatches Nos. 52, 68, and 72, dated, respectively, the 15th, 27th, and 30th ultimo, relative to the case of the American citizen Mr. George W. Aguirre, I now beg to inclose a copy translation of a communication received yesterday from the Captain-General, informing me of the transfer of Mr. Aguirre's case to the civil jurisdiction for trial.

I am, sir, etc.,

FITZHUGH LEE.

[Inclosure in No. 87.—Translation.]

CAPTAINCY-GENERAL OF THE ISLAND OF CUBA,  
*Havana, August 17, 1896.*

The CONSUL-GENERAL OF THE UNITED STATES,  
*Present.*

SIR: In accord with my judge-advocate, I have, under this date, waived the cognizance of the cause which had been instituted on the charge of rebellion against the American citizen, Mr. George W. Aguirre, Santiuste, in favor of the court of instruction of Jaruco, to which in due season will be forwarded the proceedings for their continuation.

I beg to inform you the above for your knowledge.  
God guard you many years.

VALERIANO WEYLER.

*Mr. Taylor to Mr. Olney.*

No. 636.]

UNITED STATES LEGATION,  
*Madrid, January 29, 1897.*

SIR: On the 22d instant I had the honor to receive from you the following cablegram in cipher:

Three United States citizens have been under arrest in Cuba without charges: Frank T. Larrieu, Cardenas jail since May, 1896; Esteben Venero, Havana, since November, 1896; José Gonzales, since September, 1896. Demand that charges be immediately formulated and made known to accused, or that they be released. The following persons have been in Cuban prisons awaiting trial: Joseph L. Cespero, since January, 1896; Theodore Vives, since November, 1896; George W. Aguirre, since July, 1896; *Competitor* prisoners since April. Delay in all these cases unreasonable. Demand immediate trial or release.

On the 27th instant I had the honor to receive from you the following in cipher:

Your cable 26th received. Press demands in mine of 22d with all reasonable discretion, of course. Nevertheless, rights and liberty of American citizens are paramount objects of care of this Government.

Thereupon I immediately asked an interview of the minister for foreign affairs, whose result I reported to you as follows on the 28th instant:

Interview with minister for foreign affairs to-day. Following answer given to your cipher telegram of 22d. Proceedings now going on according to protocol against Francis T. Larrieu and *Competitor* prisoners. As to all the rest, whose cases have never before been presented to him, he says he has already requested ministers for war and colonies to order Cuban authorities to take proper proceedings immediately.

I am, sir, etc.,

HANNIS TAYLOR.

*Mr. Olney to Mr. Taylor.*

[Telegram.]

DEPARTMENT OF STATE,  
*Washington, March 1, 1897.*

Referring my cable January 22 and yours of 28th, am constrained to say no progress apparent in any of said cases. Ask immediate attention to all of them.

OLNEY.

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*Mr. Taylor to Mr. Olney.*

[Telegram.]

MADRID, *March 2, 1897.*

Interview with minister for foreign affairs, read your last cablegram and insisted upon exact answer to each demand contained in your cablegram of January 22. He said that he cabled immediately for reports in each case, which are now arriving by mail. From data in hand, says charges have been made in the three cases of which you complained on that account; in every case says proceedings are going on according to law and protocol, and will do all possible to hasten them. Cuban authorities say José Gonzales has not claimed to be American citizen. Witnesses now being examined in case of Larrieu.

TAYLOR.

## CONDITION OF AFFAIRS IN CUBA.

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IN THE SENATE OF THE UNITED STATES,  
May 16, 1896.

**Resolved**, That the Committee on Foreign Relations is directed to inquire and report to the Senate what are the rights of the United States, under our treaties with Spain, as to the trial of our citizens arrested in Cuba and now under condemnation and sentenced to death by the Spanish military tribunals, for alleged offenses of a political or other character against the Spanish laws or Government, and to report on that subject by bill or otherwise.

2. That the Secretary of State is directed to send to the Senate literal copies of the original text of a protocol of conference and declarations concerning judicial procedure, signed by Caleb Cushing, as minister of the United States, and Señor Don Fernando Y. Collantes, minister of the King of Spain, on January twelfth, eighteen hundred and seventy-seven, as the same was executed and interchanged, both in the English and Spanish languages; and that he will inform the Senate whether the established or agreed original text of said protocol is in the English or the Spanish language.

3. That the President is requested, if it is not incompatible with the public service, to communicate to the Senate copies of any correspondence that has taken place between the Governments of Spain and the United States respecting the said protocol and its bearing or effect upon the trial and condemnation of citizens of the United States who were recently captured on or near the vessel called the *Competitor*, which was seized under Spanish authority in Cuban waters, or near to that island.

Attest:

WM. R. COX, *Secretary*.



May 20, 1896.

**STATEMENT OF FREDERICK W. LAWRENCE**

**FREDERICK W. LAWRENCE** was duly sworn.

By Senator DAVIS:

Q. What is your full name?—A. Frederick W. Lawrence.

Q. Where do you live?—A. In New York City at present.

Q. What is your employment?—A. Correspondent of the New York Journal.

Q. How long have you been so employed?—A. Since December.

Q. Are you a citizen of the United States?—A. Yes, sir.

Q. Have you visited the Island of Cuba recently?—A. Yes, sir.

Q. When did you arrive there?—A. Nine weeks ago last Saturday.

Q. Until when did you remain?—A. A week ago last Sunday.

Q. In what capacity?—A. As correspondent to the Journal.

Q. In what place in Cuba did you remain?—A. At Habana.

Q. Were you during your stay in Cuba at any time within the lines of the insurgent troops?—A. No, sir; I made no effort to disobey the laws of the Government of Cuba.

Q. Did you make any excursions from Habana?—A. Yes, sir.

Q. How many?—A. Three.

Q. State to what places and the distance to each place.—A. To Guines, a distance of about 40 miles; Guanabacoa, a distance of about 7 miles, and to Marinao, a distance of about 9 miles.

Q. Were all of these places within the Spanish line?—A. Every one of them; yes, sir; that is to say, the Spanish claimed them, and at the time I went to them they were; but recently the insurgents have gone to at least one of them, that is Marinao.

Q. Do you mean permanently advanced their line?—A. No, sir; they have no lines; that is, their columns have gone in and got out again; they have broken the Spanish lines.

Q. Under what circumstances did you leave the Island of Cuba?—A. I was expelled by order of the Captain-General.

Q. Was that order verbal or in writing?—A. In writing.

Q. Have you a copy of it?—A. I have it in New York.

Q. Will you furnish a copy to the committee?—A. With pleasure.

Q. When was that order delivered to you?—A. It was delivered to me on Thursday before I left Habana.

Q. Does the order allege for what reason it was given?—A. Yes, sir.

Q. What reason was given?—A. It is alleged that both James Creelman and myself, he being named in the same order, were expelled from

the Island of Cuba for sending to our papers false notices of cruelties by the Spanish troops, and inventing news of insurgent victories.

Q. Were those statements true?—A. Not a single statement made in the order of deportation is true, except the words that we are the correspondents. I so informed the Captain-General in writing before I left there.

Q. Did you receive any response?—A. No, sir.

Q. When you arrived in Habana, which I understand you to say was March 20, 1896, did you place yourself in communication with the Spanish authorities?—A. Yes, sir.

Q. For what purpose did you place yourself in communication with them?—A. For the purpose of gathering information concerning the situation of affairs there and gathering news that would be of interest to the people of this country or to my paper.

Q. Did you state your purpose to them?—A. I made no statement to them, but made no attempt to conceal from them my purpose, and openly and avowedly stated I was there for the purpose of obtaining information.

Q. Did you desire to obtain information from the Spanish authorities as to the condition of affairs in Cuba?—A. Yes, sir.

Q. With what success?—A. Very little; absolutely none as far as the true condition of affairs was concerned.

Q. Did they give you at all their version of current events?—A. Yes, sir.

Q. Did you ascertain whether such information was reliable or unreliable?—A. At the time, having no other information at hand, I was compelled to accept it as reliable, and so sent it, but found afterwards that statements given to me were untrue.

Q. From what source did you find those statements were untrue?—A. From gentlemen who came into Habana and also gentlemen in Habana.

Q. From gentlemen who came from where?—A. From gentlemen who came into Habana from where the scene of action was laid.

Q. From territory occupied by the insurgents?—A. Yes, sir.

Q. In what respects, stating generally, did you find this information to be unreliable?—A. As to battles fought.

Q. Well, in what respect as to them?—A. The military censor is the man who gives out the Government reports of engagements between the Spanish and insurgents. He has hours for doing it and at those hours all the newspaper men in Habana are supposed to be present. He edits them, and the Habana newspapers are compelled to print them. Before they are written up they are compelled to be submitted to the censor, who arranges them as to what he wishes the public to know, and if the published news is changed in the smallest particular from the way it is handed in, the papers are subject to fine and the editors are subject to imprisonment. I found that in the reports of skirmishes the military censor invariably reported that the Spanish had killed from three to a dozen, or perhaps more, men, and had captured so many horses or had killed so many horses and had wounded so many, while communication from the ranks of the insurgents to their friends in Habana would be entirely the reverse. The news I received, then, would be entirely different from that given out from the Spanish censor. That was invariably the case.

Q. The result, then, was you could not know which was nearest the truth?—A. Personally I have no knowledge of it. I did not go outside the lines and did not count the dead and dying or anything of that

kind; but the gentlemen who would bring me information—and I did not have to seek for it, they were only too willing to give it to me—were men of the very highest character. They were men whose word is certain to be believed, at least on an equality with that of any man who walks the earth. I found that those gentlemen who brought me such information were conservative; that sometimes they would give the Spanish a victory and sometimes they would give the insurgent side a victory in these little skirmishes, while the news given us by the Spanish censor invariably gave the Spanish a victory.

Q. Were these gentlemen on the side of the insurgents?—A. Yes, sir.

Q. So for that reason you were inclined to give their account greater credit than that of the censor?—A. Yes, sir; and for this reason I found the sympathizers with the insurgents were more conservative than the other; that is, they were willing to concede a battle now and then to the other side, while the Spanish side of the news was that of a Spanish victory.

Q. Was there anything in the Spanish account about the capture of Pinar del Rio?—A. The censor did not report the capture of Pinar del Rio, and in fact when it was reported that it was captured it was vehemently denied by the authorities.

Q. Did the censor give out that Maceo had attacked that town and been repulsed?—A. No, sir.

Q. I see in your report to Secretary Olney you say that “the Government gave out the announcement that Maceo had attacked the town and been repulsed in short order and with great loss, the Spanish loss not being stated.”—A. That statement is made upon the statement of William Shaw Bowen, as ardent an admirer of Cuba as ever stepped foot in Habana. He told me that within a week after the account of the capture of Pinar del Rio was printed Weyler had informed him personally that the Cubans had not only attacked Pinar del Rio, but had been repulsed.

Q. Did you report that?—A. Yes, sir.

Q. Did you afterwards state that was untrue?—A. From all the information I could gather from people who came in from Pinar del Rio—Cuban sympathizers, it is true, but honorable men—the city of Pinar del Rio was held for nearly two hours, and they created great destruction and were not driven off, but vacated the town of their own accord.

Q. Do you know anything of your own knowledge in regard to the treatment of American citizens by the Spanish authorities during your stay?—A. Do you mean by that was I personally present when ill treatment was inflicted upon them or have I the knowledge from the men themselves?

Q. Just answer that. Did you personally see or know of ill treatment of American citizens?—A. Yes, sir. I found Mr. Walter Grant Dygert, a citizen of the United States, from the State of Illinois, imprisoned at the prison at Guines, in a little cell, probably not half as large as this room, in which there were 22 other men and in which there were no sanitary arrangements worth speaking of.

Q. That would be a room about 16 by 18 feet. How many people were there with him?—A. Twenty-two; he made 23.

Q. Closely confined there all the while?—A. Yes, sir.

Q. What was the condition of the room as to cleanliness?—A. It was simply filthy. The people with him were the dirtiest men I ever looked on in my life, and I have been in a great many American prisons.

Q. How long had he been there?—A. About three months.



Q. How long did he remain there after you discovered him?—A. About two weeks.

Q. What was the charge made against him?—A. The charge made against him was that he was outside the territory designated as that proper to travel in by General Weyler. He was found on the outskirts of the city of Guines. That was one charge against him, and the other charge made against him was that he was William Gold, otherwise known as "Inglesito."

Q. Had there been any investigation made by the Spanish authorities?—Yes, sir.

Q. Any investigation at which he was present?—A. Yes, sir; and testimony taken; and Marquis Palmerola told me the Government was thoroughly satisfied of his innocence for two weeks. I saw the Marquis on a Saturday, and he told me they would have released him the day before or the day before that but for the fact that they were holy days—Holy Thursday and Holy Friday—and the Spanish do nothing on those days.

Q. Did you know anything about the kind of food furnished him?—A. Only what Mr. Dygert told me.

Q. What did he say?—A. He told me the food was execrable. He told me that but for the fact that the commandant of the prison, whose name I forget, but it is in my papers, was a pretty decent sort of a fellow, he would have committed suicide long before he saw me.

Q. Did these prisoners take any exercise?—A. I did not ask about that. They were in a cell with iron bars on the side; that is, they could get air, but not sufficient in that cell.

Q. Was it a stone cell?—A. Yes, sir; with the iron bars on one side.

Q. What kind of a floor?—A. Stone floor. Mr. Dygert told me at the time I was conversing with him that at that very moment he was crawling with vermin, and his scratching and conduct generally was pretty good evidence that he was.

By Senator MORGAN:

Q. What were the sleeping arrangements?—A. None. They had to sleep on the floor.

Q. They furnished him blankets, I suppose?—A. No, sir; that was perhaps unnecessary, for I suppose blankets would have been too warm.

By Senator DAVIS:

Q. Did he speak of being allowed a change of clothing?—A. He had not been allowed a change of clothing during his imprisonment.

Q. How long before his release was it that Marquis Palmerola told you that the Government had known his innocence?—A. He told me the Government had known it two weeks absolutely.

Q. That was three weeks before his discharge?—A. The Marquis Palmerola told me that the Government had been absolutely sure of his innocence two weeks prior to the day I saw the Marquis.

Q. Then that makes about four weeks after they knew or confessed they knew he was innocent?—A. Yes, sir; and the testimony had been in the possession of Marquis Palmerola over two months.

Q. Did he tell you why he had not examined that testimony until after it had been two months in his hands?—A. It was not his business to examine it.

Q. Do you give that to me as his answer or your reason?—A. My reason—

Q. No; answer my question. Did he tell you why he had not exam-

ined that testimony for two months after it had been in his hands?—  
A. He did not.

Q. State any other instances of maltreatment of American citizens by the Spanish authorities there.—A. If you will permit me to state what the American citizens told me—

Q. I will cover that by a subsequent question.—A. I saw no other ill treatment, unless you consider the expulsion of American citizens from Habana ill treatment.

Q. Did you see any expulsion of American citizens?—A. Yes, sir. Mr. Rapley, correspondent of the New York Mail and Express, was resting in his bed—

Q. Did you see this?—A. No; I did not.

Q. Well, during your stay in Habana, did you learn from sources you considered reliable of other instances of ill treatment of citizens of the United States by the Spanish authorities? If so, go on and state them, and give your sources of information.—A. Mr. Rapley, the correspondent of the New York Mail and Express, came to me one day about two or three weeks after I arrived at Habana and told me that upon the night before, between 2 and 3 o'clock in the morning, he had been aroused in his bed by the chief of police and three or four commissioners—police inspectors—and had been served with a notice of deportation. He showed me the notice, but it was in Spanish and I could only guess at its contents. He applied to Consul-General Williams to have his time extended. He was to leave on the first steamer, and the first steamer sailed on the following day and he could not get ready to go on it, so he applied to Consul-General Williams for permission to prolong his stay until the following steamer, and Mr. Williams secured him that permission. He left on the following steamer.

Q. What was the alleged cause?—A. Sending false information to his paper. That has been the reason that General Weyler has alleged for the expulsion of all the correspondents whom he has expelled. There were four of us expelled.

Q. Go on and give the next instance.—A. The case of Mr. Darling, an artist for Harper's Weekly, who has been arrested in territory that is not included in the Captain-General's edict, released each time, but detained from one hour to several hours—by several hours I mean eight or ten. I am not certain about the American citizenship of Mr. O'Leary, so I will not state his case. Mr. Creelman, of the New York Herald, was expelled at the same time I was; forbidden to remain longer on the island.

Q. Upon what charge?—A. Upon the charge of sending false information as to the state of affairs in Cuba. I was expelled for the same reason at the same time.

Q. Now, these cases are those of newspaper correspondents. I apply my main question to ill treatment of other American citizens, resident or temporary, of the island.—A. The cases of Alfred Laborde and Milton.

Q. Citizens of the United States?—A. Citizens of the United States.

Q. Is your information derived from what they told you?—A. No, sir.

Q. Who did you get it from?—A. From the testimony produced at the court-martial and from Vice-Consul Joseph Springer.

Q. With what were these two men charged?—A. They were charged with bringing a filibustering expedition into the Island of Cuba.

Q. Is that the case of the *Competitor*?—A. Yes, sir. Those two men, American citizens, were arrested, and, so far as the testimony of the

men who captured them goes, had no arms upon their persons. They were brought to Habana, tried by general court-martial against the energetic protest of the United States consul-general there, condemned to death, and, as I am informed, their sentence delayed by the Madrid government at the request of the Secretary of State, and still held in jail.

Q. Do you know whether they were assisted by counsel at their trial?—A. From the American point of view, they were not assisted by counsel at their trial; from the Spanish military point of view, they were.

Q. In what way?—A. They had a lieutenant in the navy, who asked no questions, who cross-examined no witnesses. There were none produced, except Captain Butron and the other officers of the *Mensajerra*.

Q. Did this lieutenant advance by way of plea that these men were American citizens?—A. He stated in his plea that they were American citizens.

Q. Upon what grounds did he rest their defense?—A. He asked for mercy for Laborde, for the illustrious place his name had borne in the Spanish navy, and on account of the things his people had done for the Spanish Government.

Q. And the other man?—A. He asked for mercy for him, stating that he was not there for the purpose of fighting, but merely in his business as a newspaper correspondent.

Q. Do you know whether it appeared on that trial how far the *Competition* was from the shore of Cuba when she was captured?—A. I do not remember.

Q. Do you know whether there was any evidence of that given on the trial?—A. At the trial there was no evidence given whatever.

Q. I mean as to the distance?—A. As to the distance or anything else.

Q. Have you any information as to the distance she was from the shore?—A. As to the exact distance, I do not know whether she was within the 3-mile limit or not.

Q. Was this trial secret or public?—A. Public.

Q. Did you attend it?—A. Yes, sir.

Q. Were the men in irons when tried?—A. No, sir.

Q. How long did it last?—A. From a little after 8 o'clock in the morning until afternoon.

Q. How many were tried?—A. Five, at once.

Q. How long was this after their arrest?—A. It was in the neighborhood of a week, more or less.

Q. Was any application made at the trial for postponement until they could communicate with their Government?—A. No, sir. Mr. Williams, however, saw them before the trial commenced and asked the judge-advocate in my presence what sort of a trial it was to be, and the judge-advocate replied, "A summary trial." Mr. Williams then replied, "I refuse to lend any official recognition to this trial. I protest against it;" and left.

Q. So that no officer of the consular service of the United States was present at that trial?—A. No, sir.

Q. In what manner was this lieutenant appointed?—A. I do not know. If you care for presumption, I presume the judge-advocate appointed him.

Q. Was he appointed as deputy judge-advocate?—A. No; he was appointed as what they call "defensor." There was a prosecutor also.

He made his plea in about the same way as one of our district attorneys would make a plea in this country.

Q. Well, this person was an officer in the Spanish navy, was he?—  
A. Oh, yes. He asked no questions, however. Neither the prosecutor nor the counsel for defense asked a single question of anybody. There was not a particle of testimony offered except the officers of the *Mensajerra*.

Q. Was there any interpreter present?—A. There was an interpreter present, but he did not make his presence known to the prisoners until they were asked whether they had anything to say in their own defense. These long statements were read by the judge-advocate in Spanish.

Q. These long statements of the prosecuting officer, you mean, was the evidence given in Spanish and translated in their hearing?—A. No, sir.

Q. Did their defender communicate to them the substance of it?—A. He did not utter one single word to them.

Q. Can he speak English?—A. I did not hear him.

Q. Have you any reason to think he could speak the English language?—A. No, sir; I have every reason to think he could not.

Q. So that all this long harangue was delivered in Spanish?—A. Yes, sir.

Q. And then they were asked what they had to say?—A. Yes, sir; what they had to say in defense.

Q. Did he ask that in English?—A. He did not even do that. The presiding officer of the court-martial—there were ten of them, what we might call the jury—the presiding officer of that body said to Laborde in Spanish, "What have you to say?" He said a few words, and so it went until the last man was reached—William Gilday—and the presiding officer spoke to him and he did not understand him, and then the interpreter got up and said, "Do you wish to say anything?" Gilday arose and said, "All I have got to say is I do not understand one word that has been said to-day, for me or against me, and at any rate I appeal to both the British and American consuls."

Q. Now, how many of these prisoners could not speak or understand Spanish?—A. I believe there were two who could not speak and understand Spanish.

Q. Which two?—A. Milton and Gilday. Laborde understood Spanish.

Q. Milton was the American and Gilday the naturalized American subject?—A. Yes, sir; I believe there is some question whether Gilday is a British subject or American. The British consul claims that he is a naturalized American, but he himself says he never renounced his allegiance to Great Britain.

Q. How long was it after they were asked whether they had anything to say before the trial terminated?—A. The trial terminated immediately upon the last man having made his statement.

Q. And when was it the defense summed up in their behalf, if at all?—A. Immediately after the prosecution.

Q. How long did it take him to conclude that summing up?—A. It took probably fifteen minutes.

By Senator MORGAN:

Q. But his appeal, as I understand you, was entirely for mercy and not for justification.—A. All for mercy, except you can call his plea for Milton that he was not there as a filibuster, but merely as a newspaper correspondent.

By Senator DAVIS:

Q. Did Milton undertake to give any account of why he was there?—

A. Yes, sir.

Q. What account did he give?—A. He stated he came aboard the schooner as the correspondent of the Jacksonville Times-Union.

Q. Did he state he knew anything of the mission of the schooner?—

A. He did not say. That is the statement that was made by him several days before the trial.

Q. What did Gilday have to say for himself?—A. He said he was a poor sailor earning his living, and he went aboard thinking the schooner was bound from Key West—I think it was for Sable Keys, going fishing; that he knew nothing of the nature of the business until after it started. Laborde claimed that his ship had been hired by some person for the purpose of going to Sable Keys for the purpose of fishing there, and he was simply held up by a revolver and told to go to Cuba.

Q. Laborde was the owner of the schooner?—A. No; he was the captain.

By Senator MORGAN:

Q. What did you ascertain to be the general feeling of the native Cubans you saw as to this rebellion or war?—A. The Cubans, all the natives of Cuba that I have seen who in the past have possessed any wealth at all, told me they had wrecked themselves to help along the war.

Q. I have seen statements in the papers about volunteer companies and regiments and perhaps brigades of native Cubans under the Spanish flag. Did you see anything of that sort there?—A. Yes, sir.

Q. To what extent, probably, were those enlistments?—A. Well, just giving a rough estimate—I never looked into the official records—but giving a rough guess, judging by the numbers of volunteers I saw in the streets, I should judge there were 3,000 volunteers.

Q. Were they volunteers for service in the field or for particular duty?—A. No, sir; they were volunteers for service in and around the outskirts of the city of Habana, guarding the banks, public buildings, theaters, and the like.

By Senator DAVIS:

Q. A sort of gendarmes?—A. That is it.

By Senator MORGAN:

Q. Sort of home guards?—A. Yes, sir. In fact they were not required to go into the field at all. Several of the volunteers who are now disgusted with the step they have taken would willingly join the insurgents.

Q. Have any of these volunteer organizations been sent to the trocha?—A. I could not find out. I tried to find out, but the Government authorities would give me no information on the subject at all.

Q. What impression did the Spanish make upon you as to the character of the troops—the people employed in the army—as to whether they were substantial men, and men of intelligence and physical vigor, and so on?—A. They impressed me as being very patriotic and very courageous men—the Spanish themselves—but with one drawback, and that was lack of patriotism, caused, as they told me—that is, the privates, not the officers—caused by the fact that they are illy fed, illy clad, compelled to do the most menial service, and have not been paid for nearly five months. You go into the streets of Habana any hour of the night and if you look like a man of any means at all you will be asked for alms by Spanish soldiers. I used to go along there and give them 10

cents or a nickel or a quarter, whatever I might happen to have in my pocket when they asked me, and at the same time say "Americano," knowing that there was no knowing how long it might be before I would be in the hands of those men, and wished to be friendly with them. So whenever I gave them anything, I always said "Americano."

By Senator DAVIS:

Q. In the course of that trial, were any attacks made by the prosecuting officer upon the United States Government?—A. No, sir.

By Senator MORGAN:

Q. While in Cuba did you visit any places around Habana?—A. Only the places I have named.

Q. How far out?—A. Forty miles.

Q. Did you leave the railroad track?—A. I did not leave the railroad track. I got off the train at the town of Guines and went about my business, which was to see Walter Dygert.

Q. Did you observe, or could you observe, the condition of the people in the country?—A. Yes, sir.

Q. What was it?—A. Wretched. Take a few coppers from your pocket and throw them in the street and half the population would scramble for them. I remember now where I went down one morning to the club, and a little child playing around there attracted my attention. I gave it a few coppers and soon a dozen people came out and begged, saying they had no food. I went out on the drive one morning and went into a grocery store and was besieged by people who wanted me to buy groceries for them.

Q. What is the currency about Habana?—A. Copper, silver, and gold.

Q. No paper money?—A. No; no paper money, except now and then an American greenback.

Q. They have no national paper currency?—A. No, sir; not in Habana, at least.

By Senator DAVIS:

Q. Is there anything else of detail you would like to state that we have not interrogated you about?—A. I can not think of anything that would be of interest. Before leaving there I wrote to the Captain-General offering to prove to him every line I had written.

By Senator MORGAN:

Q. What, in your judgment, derived from what you ascertained while in the Island of Cuba, is the prospect of success of the insurgent government?—A. A very long fight and the ultimate success of the insurgent government if left alone—if left in the condition they are now. The insurgents are in a position, in my judgment, to fight for fifty years in the way they are fighting now.

Q. Did you derive any impression from Spanish sources while you were there as to their hopes for subjection of the insurgents?—A. Yes, sir.

Q. What was it?—A. Captain-General Weyler told me himself, within a week after I landed there, that he would have it suppressed within three months, and every Spanish officer I spoke to was very sanguine of it.

Q. I understand that the forces of Maceo and Gomez are divided now by what is called the trocha?—A. Well, they are divided by the trocha and quite a good deal of territory east of the trocha.

Q. In the military arrangements of that country Maceo has been assigned to the district called Pinar del Rio?—A. That is true.

Q. And other generals to two other different provinces and Gomez is commander in chief of the whole army?—A. Of the entire army; and if Antonio Maceo obeys his orders that he has received from his chief, he will remain in Pinar del Rio.

By Senator DAVIS:

Q. Mr. Lawrence, I hold in my hand the New York Journal of May 19, containing your statement to the Secretary of State, signed by you, dated May 18, 1896. Is that statement true?—A. Every word of it. The statement is as follows:

Hon. RICHARD OLNEY,  
*Secretary of State:*

In accordance with the understanding between yourself and Mr. Edward Marshall, of the New York Journal, I herewith submit to you a statement embracing such of my observations of the condition of the affairs in Cuba as it seems likely may be of interest to yourself and the State Department. These were gained during my sojourn in Habana as the correspondent of the New York Journal. It is as much the duty of a newspaper man as it is the duty of a diplomatic agent to sift rumors and ascertain exact facts. This is what I endeavored to do.

I went to Cuba entirely unprejudiced, and with instructions from Mr. W. R. Hearst, the proprietor of the New York Journal, to exercise the utmost care in preparing my telegrams and letters, and to especially avoid giving favor to one side at the expense of the other. At that time the impression generally prevailed that the wrongs which had led to the insurrection and the strength of the rebels had been somewhat exaggerated by the correspondents of American newspapers. I was one of those who believed that to be true.

On my arrival in Habana (March 20) I immediately placed myself in communication with the recognized Spanish authorities. It was my first effort to gain an impartial and complete view of the condition of affairs in Cuba as it then existed. I found that it was most difficult to obtain information from the Spanish authorities. Such information as they chose to give out—even of military movements long passed—was not announced in the form in which it had been communicated to the authorities by the commanders in the field, but was revised and changed in Habana. This became immediately evident.

#### SPANIARDS DISTORTED FACTS.

Even after the correspondents had made up their news dispatches from these revised Government reports the dispatches were subjected to the most rigid scrutiny by the press censor, who often changed facts so that they were in complete conflict with the statements which the Government had a few hours previously issued as truths. This was, it was noticeable, only done when the strength and operations of the insurgents could be belittled thereby, or the successful operations of the Spanish troops magnified.

For example, I will instance the capture of the city of Pinar del Rio, a Spanish fortress and stronghold in the Province of Pinar del Rio, in two hours by the army of the Cuban Republic under the command of Gen. Antonio Maceo. This occurred during my first week on the island. The Government gave out the announcement that Maceo had attacked the town and been repulsed in short order and with great loss, the Spanish loss not being stated.

I accepted the Government's statement as true, and cabled it to the

Journal. A few days later reliable information was received from General Maceo that the battle had resulted in a victory for the army of the Cuban Republic, the Spanish garrison having been driven from the town in a demoralized condition, after which the Cuban soldiers destroyed over 200 houses. The Cuban loss did not exceed 50 men, while 300 Spaniards were killed. This news I telegraphed to my paper after having verified it absolutely.

After its publication the Spaniards in Cuba vehemently denied its truth, reiterating their previous statements. Later the truth of the Cuban story was verified by cable dispatches from Madrid, the verification being based upon Captain-General Weyler's own report to the home Government. I may say that my second dispatch announcing the Cuban victory did not pass through the hands of the press censor. It was sent by means of a private messenger, via Key West, Fla. This is a fair sample of the methods which the Spanish authorities in Habana follow in giving out news to all parties.

#### FOREIGN POWERS DECEIVED.

The representatives of all the foreign Governments in Habana receive their information through the same unreliable channels through which information is passed to the newspaper correspondents. It is invariably scrutinized and altered to suit the Spanish authorities before it is made public. On the other hand, it is quite as true that unreliable information and exaggerated reports are constantly being offered to correspondents and others by the insurgents and their sympathizers. This false news from the insurgent side, however, is without the official stamp. Such news as goes to the correspondents or others through the Cuban headquarters there, under the sanction of the authorities of the Cuban Republic, is, my experience teaches me, invariably reliable.

It is almost always ultimately verified by the Spaniards themselves, either in Habana or Madrid.

These statements, I think, dispose of any question which may arise concerning the reliability of the announcements made by American newspaper correspondents in Habana which have been denied by the Spanish authorities.

#### TREATMENT OF AMERICANS.

A matter which should, I think, be especially called to the attention of yourself and the State Department concerns the treatment of American citizens by the Spanish authorities in Habana. I will first refer to the case of Walter Grant Dygert, of Illinois. While taking a morning walk on the outskirts of the town of Guines, in the Province of Habana, within 20 miles of the Spanish capital of Cuba, he was arrested by Spanish soldiers under the supposition that he was William Gold, otherwise known as "Inglesito," a noted Cuban officer. He was placed in the military jail at Guines.

Evidence was found in his possession which proved conclusively that he had arrived in Cuba only three days prior to his arrest, and therefore could not have been "Inglesito," who had been fighting with the army of the Cuban Republic for almost a year past. Still, he was placed "incomunicado," which means that he could neither send nor receive communications to or from any living human being except the Spanish authorities. He asserted his American citizenship and his complete innocence of any offense against the Spanish laws, but the authorities even refused to notify the United States consul-general at Habana of the fact that Dygert had been arrested.



Through Cuban sympathizers who had learned of his predicament Mr. Charles Michelson, who was then the Journal correspondent at Habana, was informed of Dygert's arrest. He immediately laid the facts before United States Consul-General Williams. I am informed that Consul-General Williams made every effort to communicate with Dygert, but that he could not gain from the Spanish authorities even an admission that Dygert was under arrest until the fact became so publicly known that further equivocation was useless.

#### INNOENT MAN IN PRISON.

In the end the authorities admitted the innocence of Dygert—admitted it even to the American consul-general—but still held him in jail for over two months, in spite of the protests of Consul-General Williams. The reason that he was not released sooner was because he refused to sign a waiver of any claims for damages that he might have against the Spanish Government.

Another case is that of Frank Agramonte, a citizen of New York State and a member of the militia of that Commonwealth. He was arrested and confined in the military jail in the Province of Santiago de Cuba. What has become of him no man except those who have been concerned in his disappearance can tell. The American consular office at Habana informed me that it has never been notified of the arrest of Agramonte, and that inquiries made at the palace of the Captain-General have been met with the reply that they knew nothing about the case.

Personally I made inquiry concerning him, but was not able to learn from the Spanish authorities whether he was in prison or at liberty, alive or dead. That he was arrested there is not the slightest doubt. I have come in personal contact with four men who saw him in the custody of the Spanish soldiers.

You are probably better informed than myself regarding the cases of the Americans arrested in connection with the so-called *Competitor* expedition, but I may add to your information the facts that upon learning of their capture the Captain-General issued orders for a court-martial to convene immediately upon their arrival, and personally expressed the hope that they would be executed within twenty-four hours, as a warning to others who might accompany or seek to accompany insurgent expeditions to Cuba. This was before the Captain-General knew that the prisoners had been taken on the water, and were, therefore, subject to the jurisdiction of the naval and not the land authorities.

#### SPAIN VIOLATED THE PROTOCOL.

You know that in the trial of these men the Government of Spain violated both the letter and spirit of the protocol of 1877, known as the Cushing protocol. I was personally present when Consul-General Williams and Vice-Consul Springer protested against such procedure in the cases of American citizens. The protest was made in the name of the United States Government, and, as Mr. Williams stated, by order of the State Department. The officer who received the protest was the judge-advocate of the court-martial, and the time was one hour before the beginning of the trial.

I may state, however, that Mr. Williams had made the same protest in writing, several days previously, and that his letter was read at the court-martial. The judge-advocate consulted with the prosecuting

officer, who decided that the trial must proceed, notwithstanding the objections raised by the American Government. The fact that the trial was held and that the prisoners were found guilty and sentenced to death are matters on which you have already been informed by Consul-General Williams. Even though the Madrid authorities have ordered a suspension of sentence, at the request of Minister Taylor, the prisoners are still subject to the sentence, which may be carried out at any time at the will of the Spanish Government.

#### WEYLER'S QUEER IDEAS.

It should also be called to the attention of the State Department that Captain-General Weyler does not openly recognize the treaty rights of the United States in this matter, but that he describes concessions which are evidently made under treaty provisions as favors to the United States, thus placing this Government in the attitude of being under obligations to Spain. This may be illustrated by citing the cases of Charles Michaelson and Lorenzo Betancourt, correspondents of the Journal, who were arrested in Habana and confined in Morro Castle.

Messrs. Michaelson and Betancourt were arrested on the charge that they had passed the Spanish lines without the permission of the authorities. It immediately became evident that it was a case of mistaken identity, as neither of the men arrested had, in reality, passed the Spanish lines or had attempted to do so. Shortly after their arrest, and after the consul-general of the United States had made a formal demand upon the Spanish authorities for the release of the men, the *Bermuda* expedition was stopped by the United States Government officials as it was leaving New York Harbor.

Captain-General Weyler then released Michaelson and Betancourt, with the statement that he did it as a favor to the United States in recognition of the prompt action of your Department in stopping the *Bermuda*. Thus, instead of admitting the treaty rights of the United States and according a civil trial to all American citizens arrested in Cuba not actually "with arms in hand," he places this Government in the humiliating position of suing for and accepting favors at the hands of the Spanish Government. I was informed shortly before I left Habana that the cases of Messrs. Michaelson and Betancourt had not been closed, but were still open. The two men are, then, merely on parole. The Spanish Government may take their cases up at any time. Michaelson has left Cuba, but Betancourt is still in Habana.

#### RECOGNIZES NO TREATY RIGHTS.

In not a single instance has Captain-General Weyler officially recognized the treaty rights of United States citizens in such matters. Invariably when he has ordered a civil trial he has announced that he did it as a favor to the United States. In the case of the *Competitor* Americans he absolutely refused to concede their rights to other than summary trial by court-martial. He insisted, without any foundation in fact for the assumption, that these men were captured with "arms in hand." His own witnesses, Captain Butron, the engineer, and other officers of the war launch *Mensajerra*, which captured the *Competitor*, testified that the men made no resistance whatever; that they yielded to the demands of the officers of the *Mensajerra* without a struggle, and that they had no arms upon their persons.

Nevertheless, the Captain-General would have carried out the sentence

of death imposed had not the activity of your Department compelled an order from the home Government at Madrid ordering the sentences to be suspended. It is the general belief in Habana that dozens of Americans occupy cells in the military prisons in the eastern part of the island, and have been there for months past, without a hearing of any kind. In this contemptuous manner does Captain-General Weyler regard and treat Americans generally.

My statements of outrages perpetrated on the peasantry of Cuba by the officers of the Spanish army, and Colonel Melquizo in particular, are susceptible of the clearest and most conclusive proof, while on the other hand they are, I am convinced, only the merest hints of the dreadful state of affairs which really exists in Cuba. Were it possible to relieve some of the most important and highly respected men in the Island of Cuba from the fear of revengeful punishment by the Spaniards, I would give the names of the men of the highest standing and wealth, who have witnessed every one of the horrors to which I have referred in my press dispatches.

#### VICTIMS OF THE "BUTCHER."

Some of the cases to which I have referred are as follows:

These men were shot without the slightest pretense at a trial near Campo Florida, near Habana: Domingo Lumones, Ramon Castellinos, Manuel Martinez, Jose Cejas, Jesus Ochoa Rodriguez, Joaquin Merina, Bargarito Zarzas, Eleno Guerra, Marguerito Verole, Basilio Rubiro, M. V. Collina, Florencio Rabelli, Benigno Galloso and son, Pedro Cardenas, his wife, Julia, and another woman named Maria Luiz; Apolo Camaronas, Inocento Rabell, Eduardo Sardenes, Cruse Ferrer, Abelardo Cartaya, Martin Diaz and son, Francisco Ferrer, Leonardo Llerena, Caridad Roys, Luz Guiterrez and son, and many others.

I might cite by name a list of men and women which would cover many pages of this statement, all of whom were murdered by the Spanish troops without the slightest excuse, other than the unproved belief that they were Cuban sympathizers. It should be remembered that all these to whom I refer were noncombatants—peaceful white citizens engaged in following their daily callings when ruthlessly assassinated by the heartless men under Captain-General Weyler. Such murders are occurring daily, almost hourly, throughout the island. Weyler absolutely denies that these men are murdered, and asserts that they are killed in battle.

#### OFFERED TO PROVE HIS STORIES.

I personally offered to prove to the Captain-General that if his officers report that these deaths are the regular casualties of battle their reports are false. I offered to take him or any reliable man whom he might designate and who should not be known as a Spanish official to the districts where these brutal killings occurred and bring him in contact with men who saw the executions, who knew that the victims were not soldiers in the army of the Cuban Republic, had never borne arms, and were not intending to bear arms; that they were peaceful farmers and farm laborers who, at the time they were murdered, were pursuing the peaceful callings of their inoffensive lives.

It was also called to my attention and proved that Captain-General Weyler was at the time I left Habana engaged in equipping his men with brass-tipped bullets, contrary to the convention signed at Geneva

by Spain and all other civilized nations. Thus, he violates the law of nations in the conduct of his warfare. After this bullet enters the body the brass tip spreads, mutilating flesh, tissues, and bones, and being likely to cause blood poisoning. These bullets I have myself seen.

Forty-eight hours before leaving Habana I wrote a farewell letter to Captain-General Weyler, in which I informed him of the monstrous conduct of his officers in the field and concluded with this language:

You still have time to order my arrest. I invite you to do so, and guarantee that an investigation shall be made, the result of which will prove you to be the most barbarous military savage the world has ever known.

The Captain-General ignored such a vigorously worded challenge as that. In the letter I described to him the conduct of Colonel Melquizo's command while on the march from Jiquiabo to Minas. The soldiers were in town of Jiquiabo.

#### CONDUCT OF SPANISH TROOPS.

From an eyewitness, a man of the highest standing in Cuba, who was present that night, I gathered the following information:

There was not a morsel of food in the town that had not been confiscated by Melquizo's men. Every food animal and fowl had been killed and the people were compelled to appeal to the soldiers for sufficient food to drive away hunger. The women of Jiquiabo were in a state of terror bordering upon insanity because of the infamous conduct of the soldiers toward them. This conduct aroused the indignation of the men of the town and they appealed to Melquizo in person for protection for the women.

His reply was that no loyal Spanish woman would refuse a Spanish soldier anything, and he presumed the women of Jiquiabo were loyal Spanish subjects. An instance was related by my informant of two soldiers entering a hut where they found a woman alone. They first spoke to her in such language as no good woman would listen to. Finally they attacked her. She secured a knife and fought them off as best she could until, when her strength was almost exhausted, she broke away from them and ran into the field. The men followed her and, realizing that the thought of escape was hopeless, the poor woman drove a knife into her breast and within a few minutes was a corpse. The name of this woman was Maria Garmuza.

This is only one of dozens of similar cases that have been reported to me. My information is of the most reliable kind and, were a proper investigation made, I could prove it beyond a shadow of a doubt.

#### THE MILITARY SITUATION.

As to the military situation on the island: Enough people in this country to command respect believe that the Spaniards represent the only real army in Cuba from a soldier's point of view, and that the army of the Cuban Republic is composed of mere wandering bands of destroying outlaws led by men who respect and are subject to no law whatever. This is untrue. The Spaniards are in point of numbers superior to their opponents, but the leaders of the army of the Republic have exhibited superior brains, courage, and military genius.

Landing on the island with only a small following a year ago last February Generals Gomez and Maceo have now under their command in the neighborhood of 100,000 men, whose numbers would be very largely increased if the men who desire to join them could pass through

the Spanish lines. The Republic is in possession of almost the whole of the interior of the island. There is scarcely a town that they have not attacked and occupied.

To do this they have been compelled to drive the Spanish garrisons out of the cities, and they have done it most successfully whenever it has been attempted. The only portions of Cuba which the Spaniards have managed to hold are the capital, Habana, and other towns on the seacoast, where they have been favored with the protection of the Spanish gunboats. With their men as well armed as are the Spaniards the Cubans could unquestionably overcome that advantage and hold the entire island against any force Spain might send against them. Even as it is the Cubans now menace the capital. General Gomez, with nearly 30,000 men, is marching westward and has reached a point in Mantanzas close enough to the city of Habana to cause the authorities great trepidation.

#### HABANA CAN BE TAKEN.

The capital is in almost a defenseless condition against a land attack, the Captain-General having sent nearly all of his available forces to the Province of Pinar del Rio to reinforce the trocha which he has established from the northern to the southern coast of the island. The fortress at Cabanas and the fortress of Santa Clara, which is situated in the city of Habana to the west of the harbor, might prove quite effectual against an attack by sea, but would, in the opinion of military men whom I have interviewed in Habana, prove totally inadequate to defend the city from an invasion on the land side. The only protection the capital has from an attack by land are a few insignificant stockade forts erected around the outskirts and garrisoned by poorly equipped, undrilled, half starved volunteers, who, during the hours when they are off duty, may be seen in the streets of Habana asking alms of citizens like ordinary beggars.

It seems incredible that such men would succeed in holding Habana against an attack by such fighters as the Cubans under General Gomez have on more than one occasion proven themselves to be. In a march of over 500 miles, which the commander in chief of the Cuban army has made since he left Puerto Principe on his second invasion, he has not had a battle nor even a skirmish with the Spaniards, who have persistently avoided a trial of strength. The march has been made without the loss of a single man on either side and, incidentally, hundreds of peasants have swelled the ranks of the Cuban army by enlisting under General Gomez.

In Pinar del Rio Province General Maceo is commander of the situation. He has a comparatively small force, consisting, I have been told, of not over 5,000 men, who, however, are well-trained fighters and splendidly equipped with arms and ammunition. On the trocha, it was reported to me, there are over 40,000 Spanish soldiers, against which body of men flying columns of Spaniards, consisting of from 1,500 to 5,000 soldiers each, are attempting to drive Maceo's troops.

#### GENERAL MACEO'S VICTORIES.

They find it impossible, however, to get Maceo into a position from which he can not escape, and whenever he has met a force of Spaniards in battle he has invariably succeeded in defeating his enemies. For proof of this, his battles with Alphonso XIII Battalion and with the force under General Suarez Inclan at the battle of Ocarajicara

may be cited. After ten hours of fighting Maceo drove Colonel Dubos and the Alphonso XIII Battalion back to the seacoast, where they were compelled to take refuge on board the gunboat *Alerta*. The Spanish loss at this engagement was nearly 1,000, while General Maceo suffered a loss of not more than 200.

At Cacarajicara, Maceo led Inclan into a trap and drove him back to Bahia Honda with great loss. This appears to be the fate of the flying columns that are sent after Maceo, while on the other hand hundreds of Spaniards on the trocha are being exterminated daily by yellow fever and other diseases.

The death rate is so high on the trocha that the supply of Spanish soldiers to take the places of those who have succumbed to disease is exhausted, and General Weyler has been driven to the extremity of calling upon the volunteers from Habana to reinforce the line. At the time I left Habana the Captain-General had attempted to make a draft on the volunteers to go to the trocha, and these young men (who correspond to the State militia in this country) were in open rebellion against his order. The position they assumed was that it was their duty to guard the banks and public buildings of Habana in addition to doing guard duty generally around the city and its outskirts, and that neither General Weyler nor any other commander had authority to order them into the field.

#### CUBANS IN GOOD CONDITION.

The Cubans are in a position to maintain the present state of affairs for the next twenty years if Spain can find resources to keep up her end of the war for that length of time. Up in the mountains the leaders of the army of the Republic have established ranches, where men are engaged in breeding and raising cattle for food purposes. The raising of vegetables is also encouraged by the Cuban commanders, and in addition to this means of subsistence they have the native food plants that grow in wild profusion all over the island.

From this it will be readily understood that no matter how long the war should last, or how much privation they should suffer in other directions, the Republican army will never suffer dangerously from lack of food. As the Cubans are in a position to stop all farming except such as they indulge in themselves, the Spaniards will presently find that their own shortage of food is a great drawback to their campaign, and they will be compelled to resort to importing their rations from the United States, Spain, or some other country.

The Cubans have been accused of incendiarism in a criminal sense because they have destroyed sugar cane, tobacco, mills, and plantations. They insist that they should not be regarded as criminals, but that the orders which the commanders issued for the destruction of the island were justifiable war measures.

#### DESTROYED WITH OWNERS' CONSENT.

I have personal knowledge that in a great many cases the plantations have been destroyed with the consent of the owners. In fact, a great number of owners of plantations that have been destroyed informed me personally that they had invited the Cubans to do so because they did not want to grind their cane and thereby supply revenues to the Spanish Government. The fact that wealthy men cherish such hostility to Spain and are ready to help the Cubans in their fight should be sufficient refutation of the charge that the war for Cuban freedom is only backed by the ignorant classes and negroes.

I found that nearly three-fifths of the population of the island were either actively engaged in the war on the Cuban side or that the revolution enjoyed their active sympathy and support. Of course, these men dare not utter their sentiments openly, but they have willingly ruined themselves to aid the cause, and to those whom they can trust not to betray them they are not in the least backward in expressing their views.

Respectfully submitted.

FREDERICK W. LAWRENCE.

MAY 18, 1896.

**STATEMENT OF REV. A. J. DIAZ**

A. J. DIAZ was duly sworn.

By Senator MORGAN:

Q. What is your name?—A. A. J. Diaz.

Q. What is your age? A. Forty years.

Q. Where were you born?—A. I was born in the city of Guanabacoa.

Q. How far is that from Habana?—A. About 2 or 3 miles.

Q. Where were you educated?—A. I was educated partly in the Island of Cuba and partly in the United States.

Q. At what school?—A. First I was at the institute, as we call it, in Habana, then went to the university in Habana.

Q. When you came here where did you go?—A. When I came here I was educated by Dr. Alexander Hunter, of New York, a private teacher.

Q. Educated in your profession as a doctor of medicine?—A. No, sir; as a minister.

Q. Well, were you ever educated as a doctor of medicine?—A. Yes, sir; I was educated in Habana.

Q. Did you get your degree?—A. Yes, sir; I got my degree there, and my diploma as a doctor has been registered here in the State of Georgia, too.

Q. Did you commence practicing your profession in Cuba?—A. Very little. At that time I was quite young, and the last revolution was started, and then I joined myself in that revolutionary army.

Q. Who did you serve under?—A. I served with the Cuban party.

Q. Under whose command?—A. Under the command of Julio Funes.

Q. How long did you serve in that army?—A. I served in that army for nearly two years.

Q. Did you have any rank?—A. Yes, sir.

Q. What was it?—A. I was appointed by them as a captain.

Q. Did you have a company under your command?—A. Yes, sir.

Q. When that war closed, what became of you?—A. Before the war closed I was appointed to find some place for our people. We knew very well if they got hold of the Cubans they would kill them. Knowing that, I threw myself into the sea, drifting on a log, in the hope of reaching some place of security, but the current was strong and drove us away. That was in the nighttime, and the next day we found ourselves in a vessel which picked us up.

Q. Where did they take you to?—A. They transferred us to a schooner that was bound to New York, and I went to the city of New York.

Q. How long did you remain in New York?—A. I remained in New York for nearly five or six years.

Q. What were you doing while you were there?—A. At first I was employed in the cigar business. Then I commenced to read to the factories there, employed as a reader, and then I commenced to do some missionary work.

Q. You became a minister?—A. Yes, sir.

Q. What church did you join?—A. The Baptist Church.

Q. Did you join that church in New York?—A. No, sir.

By Senator DAVIS:

Q. Are you now an ordained minister of the Baptist Church?—A. Yes, sir.

Q. How long have you been so?—A. For nearly six years.

By Senator MORGAN:

Q. Where were you ordained?—A. I was ordained in the city of Key West, Fla.

Q. You belong, then, to the Southern Baptist Church?—A. Yes, sir.

Q. After you were ordained did you return to Cuba?—A. Yes, sir; I returned for that purpose to the city of Key West. I was called by the council to the city of Key West, and was ordained there and returned the next week.

Q. Then I suppose you became a missionary of the Southern Baptist Board to Cuba?—A. Yes, sir.

Q. Well, when you got to Cuba did you establish a church there?—A. The church had been already established.

Q. And you were appointed to it?—A. Yes, sir.

Q. What progress have you made in your denominational growth there?—A. Very good.

Q. About how many communicants have you there?—A. I have about 2,700 who have been baptized in the last eight years.

Q. In the city of Habana?—A. Yes; and I organized a Baptist hospital for the poor. I organized seven free schools, where we have over 1,500 children; we educate them; and also have a cemetery. We can not bury our Protestant people in the Catholic cemetery. They do not allow us to bury them there.

By Senator DAVIS:

Q. In whose name is the title to all this property?—A. In the name of Dr. Tichenor, the corresponding secretary of the Home Mission Board.

Q. He holds it as trustee for the mission board?—A. Yes, sir.

By Senator MORGAN:

Q. Where does Dr. Tichenor belong?—A. In Atlanta, Ga.

Q. What would be about the value of that property you have in Habana?—A. The church itself is worth about \$140,000. It is a very nice piece of property. The hospital we have is worth about \$20,000, and the cemetery—well, we can not say what it is worth, but it brings to the board an income of \$6,000 or \$7,000 a year.

Q. You have property, then, in San Miguel, also belonging to the church?—A. Yes, sir.

Q. What is the value of that?—A. About \$2,000.

Q. How many churches have you organized outside of San Miguel and outside of Habana in the country?—A. We have different missions, but never organized different churches. We have missions at different places. A preacher will go to one for one or two months for a meeting and then move away to another.



Q. How many ministers are employed in the Baptist denomination?—  
A. About 24 missionaries.

Q. Are there any of those remaining in Cuba now, or have they left?—A. None remain except the women missionaries.

Q. The men have all had to leave?—A. Yes, sir.

Q. Why have they had to leave?—A. Well, they have been persecuted in one way or another by the Government, and have had to leave.

Q. They have all left?—A. They have all left and come to the United States.

Q. You speak of free schools you have established there; are there any free schools within your knowledge in Cuba sustained by the Spanish Government?—A. Yes, there are some.

Q. How many?—A. A great many, but kept in a very bad condition; they do not teach anything.

Q. Are they under ecclesiastical control?—A. Yes, sir.

Q. The Catholic Church?—A. Yes, sir.

Q. Who supplies the funds?—A. The Government.

Q. I was reading the other day, from a Spanish author, a statement to the effect that the annual taxes upon the people for the support of the Catholic Church in Cuba amounted to about \$600,000. Is that correct?—A. I think it is more than that. I think it is about \$1,500,000 or \$2,000,000.

Q. This book I was reading from was written ten or fifteen years ago?—A. The bishop of Habana gets about \$18,000 a year.

Q. And the archbishop how much?—A. He gets about the same.

Q. The archbishop of Cuba and the bishop of Habana get about \$18,000 each?—A. Yes, sir.

Q. Well, have you been much over the country in Cuba?—A. Yes, sir; I have been in a great number of places.

Q. When did this war that is existing now in Cuba commence?—A. It broke out about the 29th of February, 1895.

Q. After that war broke out were you visiting over the Island of Cuba in different places?—A. Yes, sir; in behalf of the missions. When the war broke out I did not know exactly what to do. As a captain of the army on one side, and as a minister of the gospel on the other side, I was a little troubled myself, but I concluded to take no part in the insurrection, but just to help both parties, and then I organized what we call a White Cross Society. It is a society based on the Red Cross Society of Geneva, for the purpose of treating both sides.

Q. You mean, to assist them medically and charitably?—A. Yes, sir; and at the same time I sent a letter to President Cleveland to notify him that we were going to do that kind of work, and Mr. Gresham answered the letter saying that they had nothing to do with the matter, but were very much pleased with that thought and encouraged us, but they said they had nothing to do with the Geneva Cross. So our Government was notified that we were going to take part in that movement for a sanitary purpose.

Q. Well, the Spanish Government, then, became one of the parties to the Red Cross Society; that is, to the treaty by which they had certain rights?—A. Yes, sir.

Q. And you were not violating any public law by organizing that society?—A. No, sir; nor private either.

Q. And you say you had determined not to take part with either party in the political struggle that was going on there?—A. Yes, sir.

Q. Have you kept to that resolution faithfully?—A. Yes, sir.

Q. And you have not taken part?—A. I have not taken part on either side.

Q. In any way?—A. In any way; just helping the wounded and sick, that is all.

Q. Well, did you visit the United States recently before you were expelled?—A. Well, I generally visit the United States once or twice a year. I must come to the Southern Baptist Convention when they have a meeting, and give my report, and then they have some association or State convention, and then they call me. So I came to the United States last year twice or three times, to the Southern Baptist Convention which met in Washington, to the Florida State convention, and to the Home Mission Board's meeting.

Q. Well, both visits you made were for the purpose of attending Baptist conventions?—A. Yes, sir; that is all.

Q. You did not come here on a political mission?—A. No, sir.

Q. And had nothing to do with politics or with the war?—A. Nothing to do with it.

Q. What did you do as a member of this sanitary corps, as a physician, in treating the sick and wounded of both parties?—A. We made a by-law and we gave that by-law to the Government of Spain in order that they might approve it, and so they did. They approved it, and the second article says we have the right to constitute neutral camps in order to just take care of the sick and wounded; and while Mr. Campos was there everything was all right, because Mr. Campos conducted the warfare in a civilized way, and we had no trouble about it. We organized about forty delegations to take care of all sick and wounded. We have treated there about 2,000 Spanish soldiers, but as soon as Mr. Weyler came he ordered us to stop—not to take care of the insurgents by any means, only take Spanish troops, who were the only ones we had any right to take care of.

Q. Then did you cease to take care of the insurgents?—A. Yes, sir; I did not want to break any law, right or wrong. I did not want to interfere with any of them.

Q. Now, as a White Cross director, did you have a right to go into the ranks of the enemy?—A. Yes, cross the lines any time I pleased.

Q. You went out to the camp of the rebels?—A. Yes, sir.

Q. Did you make frequent visits to them?—A. Not frequent visits, but when I went to inspect a delegation sometimes I found them in my way. Sometimes, as military operations required, they stopped me and kept me for two or three or four days, and then I stopped there; and if they had something to do in the medical line I did it—made surgical operations.

Q. You are a surgeon?—A. I am a surgeon; yes, sir.

Q. Now, these delegations you speak of, I suppose they were scattered about through Cuba?—A. Yes, sir; in the Province of Pinar del Rio, the Province of Habana, and provinces of Matanzas and Santa Clara.

Q. How many delegations did you have in all?—A. Nearly 40.

Q. And how many people would be engaged in each delegation?—A. About two or three directors and several nurses. Sometimes they have women.

Q. Who supported these delegations?—A. We supported them.

Q. Do you mean the White Cross?—A. Yes, sir; the White Cross Society.

Q. Where did you get the money to do it with?—A. Part I collected from the members of the church and part we got from contributions of the people.

Q. Did the Spanish Government contribute anything to it?—A. No, sir; never contributed a cent.

Q. Now, then, it was in visiting these delegations about through the different parts of Cuba that you had the opportunity to see what was going on in both armies?—A. Yes, sir.

Q. Now, you visited the rebel army—I call it that—the Cuban army in Pinar del Rio?—A. Yes, sir.

Q. When did you go there the last time?—A. The last time I was in Pinar del Rio was on the 13th of March. [Reading from paper.]

I went to the town of Caimito for the purpose of leaving medicines, bandages, etc. On arriving there I was informed that there were two wounded children at the farm known as Saladriga. I went to their assistance.

Q. Now, just stop right there, because I am going to read that paper over to you presently. I am getting at preliminary facts. When you were at Pinar del Rio did you see Maceo?—A. I saw Valdespino, and Maceo also.

Q. About how many troops did Maceo have with him?—A. Well, really, I could not tell you because of the way they appeared; the way they came was an immense crowd of people all riding on horseback. It was a large crowd. I could not exactly tell how many.

Q. You had no statement of the number?—A. No, sir.

Q. Well, would you say it was a strong army?—A. Very strong.

Q. Did he have any artillery with him?—A. I did not see any.

Q. How were they armed?—A. A great many of them were well armed and the balance of them all had the machete.

By Senator DAVIS:

Q. Would you say he had some thousands of men under his command or only a few hundreds? Give some idea.—A. Oh, I think he had some seven or eight thousand men.

Q. You saw them?—A. Yes, sir; I saw them.

By Senator MORGAN:

Q. Did he have a permanent camp there?—A. Well, they were moving around. Sometimes they stay in one place fifteen or twenty days and then move to another.

Q. Well, when you saw him had he made the attack on the city of Pinar del Rio?—A. No, sir; he was just going in the direction.

Q. And that fight occurred afterwards?—A. Afterwards; yes, sir.

Q. What did you gather to be the result of the fight he had in Pinar del Rio; what did you find out or gather to be the result of it?—A. Well, I asked them, you know, what they intended to do in Pinar del Rio, and they said they were just going on, take possession of the principal towns, and Maceo was appointed as commander of that Province.

Q. He was assigned in command of the Province of Pinar del Rio and is there now?—A. Yes; he is there.

Q. Well, after that was over they had other battles—that of Bahiahonda?—A. Yes, sir.

Q. Do you know anything about that battle?—A. It was the one where the Alphonse XII Regiment was destroyed. It is reported the whole regiment, about 1,000 soldiers, were destroyed, and but 14 or 15 were left. They threw themselves into the water and got a small boat and went out in the bay, and the current brought them to the city of Habana, which is about 60 miles from that place.

Q. Do you think your information about that is correct, that the whole Spanish battalion was destroyed?—A. Yes, sir.

By Senator DAVIS:

Q. Was it a battalion?—A. Yes, sir; a battalion.

By Senator MORGAN:

Q. Did Maceo capture Pinar del Rio?—A. I do not know; I heard that.

Q. How long did he hold it?—A. I presume he held it about two or three days.

Q. Was this fight you tell about before or after the capture?—A. I think it was before the capture. I know that is true because of this: There was published in the paper that the colonel will be tried by court-martial because he did not go to the point where the regiment was.

Q. That is another column?—A. That is another column; yes, sir.

Q. Did you see Gomez when you were out there? When did you see him last?—A. About two months ago.

Q. Where did you see him?—A. I saw him in the Province of Habana.

Q. How far from the city of Habana?—A. I saw him in Bainoa.

Q. How far from Habana?—A. About 35 miles.

Q. Did he have his forces with him?—A. Yes, sir; an immense force.

Q. How many thousands do you suppose?—A. I think he had about 10,000 men.

Q. What was the condition of his health?—A. Pretty good. He had only a little abscess on one of his legs from an old wound, but he has recovered from that and is all right.

Q. He is an old man, is he?—A. He is an old man, about 72 years of age.

Q. Did you talk with him?—A. Yes, sir; he asked me several questions and I answered.

Q. Did you tell him about the condition of the Spanish forces and all that?—A. No, sir; he knew he had no right to ask such questions as that.

Q. What did you think of the appearance of his army; did they look as if they were strong?—A. Very strong.

Q. Well armed?—A. Well armed and in good health.

Q. Have you been personally with any other army in Cuba?—A. Yes, sir; Mr. Aguirre's.

By Senator DAVIS:

Q. When?—A. Just two weeks before they put me in prison.

Q. When did you leave Cuba? Give me the date.—A. I think it was before the 1st of May.

Q. How long before?—A. Just a day or two.

Q. Now, how long was it before you were arrested that you saw the force of Aguirre you mentioned?—A. Fifteen days.

By Senator MORGAN:

Q. Where did you find Aguirre?—A. They found me. I was down there attending a man. While I was amputating his arm the insurgent forces came around the little tent I had for that purpose, and while I was operating I found myself among the insurgents, and he came there and just looked at what I had been doing, and kept everybody away and did not molest us at all.

A. You were not in his camp, then?—A. No, sir.

Q. Did you talk with Aguirre?—A. After I got through with the operation; yes, sir.

Q. Did he speak of his affairs?—A. Yes, sir; and I knew partially of them down there.

Q. You knew the people?—A. Very well; a great many of them had been in my congregation.

Q. Now, what class of people did that army consist of?—A. The best class of young men in Habana, generally.

Q. Do you mean the Province of Habana?—A. No; the city.

Q. Aguirre's command consists mostly of city boys, does it?—A. Yes, sir.

Q. How many were there?—A. He had at that time about 2,000; that was his escort.

Q. He had others?—A. Oh, yes. He had in the province 10,000 or 15,000 men, scattered all over the Province of Habana in different camps.

Q. Now, what kind of people did the army of Maceo appear to be?—A. Very fine people, too; white people; doctors, lawyers, druggists.

Q. Intelligent people?—A. Intelligent people.

By Senator DAVIS:

Q. What kind of people were the private soldiers in Maceo's army?—A. Well, they have some colored people, too—many—and they have some of these intelligent people as private soldiers, a great many of them people who do not want any rank; just wanted to be soldiers, just to do that in the democratic line to encourage others.

By Senator MORGAN:

Q. Now, these people you saw in Gomez's army, did they appear to be men who were farmers and persons living in the country—respectable people?—A. Yes, sir.

Q. White people?—A. Yes, sir; as well as negroes.

Q. Was that the case in Aguirre's army, too?—A. Well, Aguirre had more white people.

By Senator DAVIS:

Q. What proportion of negroes and white in Maceo's army?—A. Well, one third negroes.

Q. Are the negroes and whites in separate companies and regiments, or are they all mixed up together?—A. Well, I do not know very well, but, as I say, they mingled.

Q. In the same organization?—A. The same organization.

By Senator MORGAN:

Q. Now, in traveling there, did you go to Cubitos?—A. No, sir; my organization did not reach as far as that.

Q. How far is that from Habana?—A. Cubitos is in the central part of the island. It is in the Province of Camaguay.

Q. It is up in the mountains, is it?—A. Yes, sir.

Q. Do you know Mr. Cisneros?—A. Yes, sir.

Q. Do you know where he was?—A. Yes, sir; I know where he was. Cisneros has about 20 of the principal men of the city of Habana with him. I inquired for him, and was told he was at that place, Cubitos.

Q. That is his capital?—A. That is his capital.

Q. Is that a place of difficult access?—A. Very difficult. Bartolo Masso is the general up there, with about 10,000 men to protect the government.

Q. Now, I understand that the military arrangement among the Cubans is that a general is assigned to certain provinces?—A. Yes, sir.

Q. Maceo to Pinar del Rio?—A. Yes, sir. Aguirre to Habana, Sanchez to Santa Clara, Roloff to Santo Espiritu, and Calisto in Camaguay; and then in the eastern part of the island is José Maceo.

Q. So that is the military disposition?—A. Yes, sir; men command

generally in the province, and then they have subdivisions. They have, for instance, brigades in each province.

By Senator DAVIS:

Q. Gomez is commander in chief over all?—A. Yes, sir.

By Senator MORGAN:

Q. And that is the military organization?—A. Yes, sir.

Q. Let us know something about the civil organization. Did you meet any civil officers?—A. Yes, sir; Mr. Portuondo.

Q. What is his office?—A. He is secretary of the interior.

Q. He belongs to the general government of the Cuban Republic?—A. Yes, sir.

Q. I want you to speak of the local officers—the prefects and sub-prefects. Do you know anything about them?—A. Yes, sir.

Q. What is a prefect?—A. He is the man in charge to find supplies for the families of insurgents in every place there.

Q. Sort of a commissary?—A. Yes, sir; if the families need something to eat, for instance, he brings food, cattle, etc.

Q. Takes care of the families of the men in the army?—A. Yes, sir; and if the men are sick or wounded the prefects take care of them.

Q. They take care of the sick and wounded, and subprefects have smaller districts?—A. They have smaller districts.

Q. Now, who are the tax collectors there?—A. There are tax collectors, too; I know, personally, Mr. Menocal.

Q. A cousin of our Menocal here?—A. A brother, I think.

Q. Is he a tax collector?—A. Yes; they divide themselves into different places and collect all the revenue.

Q. Do they collect revenue from the people?—A. Oh, yes. Sometimes they have no place to put the money. Sometimes Gomez has mules loaded with money—going from one place to another with money.

By Senator DAVIS:

Q. Do they collect supplies in kind?—A. The prefects do, but these are the tax collectors.

By Senator MORGAN:

Q. Do the people of Cuba voluntarily and freely pay taxes to the Cuban government, or are they forced to do it?—A. No, sir; they freely do it. They pay taxes where the Cubans have no control over it.

By Senator DAVIS:

Q. Now, over this territory, have the Spanish any tax collectors?—A. Not one.

By Senator MORGAN:

Q. Have they any judges?—A. Not one.

By Senator DAVIS:

Q. Any civil officers at all?—A. No. In the larger towns is the only place. In the smaller places they have nothing of the kind—no mayors, no aldermen.

By Senator MORGAN:

Q. Do these various civil officers have offices in any one place, or are they roving around?—A. No; they are roving around.

Q. Have they established headquarters?—A. Well, sometimes they do for one, two, or three months, and then they move around. That depends on the persecution of the Spanish.

By Senator DAVIS:

Q. Do they keep records or written accounts?—A. Yes, sir.

By Senator MORGAN:

Q. Now, how are the mass of the Cuban army received by the population living in the towns in the country? Are they received cordially or as enemies?—A. Every time they approach any town all the people come out with flags and welcome them. That is natural. The majority of those boys belong in those cities. They can not be received in any other way.

Q. How do they receive the Spanish, on the other hand?—A. Well, there is great excitement when the Spanish troops approach the cities. The people are afraid, and they do not feel safe, because they know the Spanish come in and sack the towns and break the houses and take possession of them, and violate women, and do horrible things. Of course, the people are scared. The soldiers take possession. I saw this case in Managua; soldiers took possession of a house; the ladies screamed out, and the soldiers commenced to search the bureaus and everything there, and the men came and reported that there were some soldiers sacking that house, and the men said, "I can not say a word about it, because they are all officers."

Q. Did you see this yourself?—A. I saw that myself; I was there.

Q. Did they offer any violence to women?—A. Well, the women ran away. I do not know what became of them. I was sitting there with my brother in the drug store when these things occurred.

Q. Now, you have described how the armies of both contending parties are received by the people of the country.—A. Yes, sir.

Q. Is your description of that true, as far as you know? Without any specification, is it true generally?—A. Yes, sir.

Q. It is generally true?—A. Yes, sir.

Q. Do you know of a town or village in Cuba where you could say that the people were hostile to the Cuban cause?—A. Natives?

Q. Yes.—A. Not one. The whole country has risen up in arms—men, women, and children.

Q. So you regard the attitude or situation with the Cuban people as being one of general hostility to Spain?—A. Yes, sir.

Q. And is that hostility intense?—A. Past expression. One day I heard General Rui say, "Everything here is against us. The air we breathe is against the Spanish people in Cuba."

Q. How do these Cuban armies maintain themselves; upon what do they subsist, and how do they get it?—A. Well, they use goats and chickens and all the tropical fruits, and yams and sweet potatoes, and things that grow wild, and in some places farmers plant for the insurgents; so they never trouble themselves about what to eat.

Q. They have an abundance?—A. Yes, sir.

Q. How long do you think the country can stand that? Will it wear out, and after a while the people starve?—A. No; people who live in the country are all right. They can stay there for twenty years if they want to, with plenty to eat. Now, the misery is among the people of the cities.

Q. Why?—A. Because they have no resources. They have no money or anything, and insurgents are not allowed to grow anything in cities where the Spanish troops are, and they have nothing to eat.

Q. They are in a starving condition?—A. Yes, sir.

Q. About the destruction of the crops there; has it been very extensive—that is, the sugar cane?—A. Very.

Q. Is the Cuban army alone responsible for that destruction?—A. Not the Cuban army alone. The Spaniards do that, too. They set on fire the sugar plantations of Mr. Delgado and others. Part of the city of Managua has been destroyed by the Cubans and the other part has been destroyed by the Spanish troops.

Q. What for?—A. Well, the mayor of that town, Mr. Christo, is a lawyer. They had a battle, and 75 houses were burned, and in a month or two Mr. Christo, the mayor, joined the rebels; and he is a wealthy man, for he has different houses and plantations, and so forth, down there. As soon as he went with the rebel army the Spanish troops set on fire all the houses owned by him. So that part is destroyed by the Spaniards and part by the Cubans.

Q. Is sugar cane an element of subsistence among the Cubans and their horses?—A. Yes, sir.

Q. Now, I want to ask you something about the condition of this Spanish army and Cuban army as to diseases. You have yellow fever in Cuba?—A. Yes, sir.

Q. Does it attack the Cubans?—A. No, sir; not a bit.

Q. Why not?—A. Because they are acclimated.

Q. Does it attack the Spaniards?—A. Oh, yes; fearfully.

Q. Now, take a body of 1,000 soldiers in the season, how many would you expect to find sick out of that number?—A. Nearly all of them.

Q. As much as that?—A. Yes; nearly all of them. Nearly all get sick and about 50 or 60 per cent will die.

Q. You do not mean they all get yellow fever?—A. Yes; that is the principal thing, and dysentery.

Q. And what else?—A. Ulcers.

Q. I wish you would describe those ulcers. Are they syphilitic?—A. Yes, sir; in many cases they are syphilitic.

Q. How is the large majority of cases; is that so?—A. Yes, sir.

Q. State what is the extent of that disease among the Spanish soldiers.—A. Well, about 60 or 70 per cent.

Q. They get sick in that way?—A. Yes, sir.

By Senator DAVIS:

Q. Infected with syphilis?—A. Yes, sir; but they are corrupt people, you know.

Q. Do they bring it with them from Spain or acquire it in the island?—A. Well, they bring it from Spain and acquire it in the island, too, because this is the custom they have; they do not do it now. As soon as they landed they put their guns to one side to have a good time and hunt for women, and of course with that kind of women you know in what condition they are generally.

By Senator MORGAN:

Q. What is your opinion as to the number of Spanish troops now in Cuba?—A. I think they have in Cuba only about 70,000 or 80,000 soldiers. I do not think they have more than that.

Q. How many have come there since this war broke out?—A. Nearly 150,000 to 180,000.

Q. What has become of the balance of them?—A. Well, a great many of them have been killed, and many of them have joined the rebels.

Q. Joined the rebels?—A. A great many them; yes, sir.

Q. Well, how about those who have died in the hospitals from disease?—A. Yes; some have died of disease.

Q. What proportion of the people who have been lost—would you



say that half or more than half have died of disease or battles?—A. Well, not many in battles; more of disease than of battles. The difficulty with the Spanish soldiers is that when they are brought from Spain and reach Cuba they are not allowed to speak to anybody. They have a guard, and as soon as soldiers are landed they are sent to the interior in order that they shall not speak to anyone. The Spanish people in Spain deceive these young men—tell them they are going to fight negroes, etc. The officers are not real officers, but sergeants made captains and corporals and privates made lieutenants. That is the kind of soldiers they have in Cuba, showing they do not know what kind of men they are to meet. They are told that all the Cuban army is negroes, and here they find them white and hear hurraing for freedom and for republicanism, and say, “Well, I am a republican myself. If I had known that I would not fight against them.”

By Senator DAVIS:

- Q. Were you expelled from the island of Cuba?—A. Yes, sir.  
 Q. Why?—A. By the Spanish authorities, Mr. Weyler.  
 Q. When?—A. On the 30th day of last April.  
 Q. What reason did he give for expelling you?—A. I do not know yet.  
 Q. Did any of your fellow-missionaries leave about the same time?—  
 A. They left before me.  
 Q. How many of them?—A. Three ministers.  
 Q. How many from all the missions?—A. The others, about six or seven.  
 Q. Now, after you and the other missionaries and the ministers left what became of the church and hospital property?—A. All has been abandoned.  
 Q. Do you know who has taken possession of it?—A. Yes; some of the members have taken possession of it.  
 Q. Have the Spanish authorities taken possession of the church?—  
 A. Not that I know of.  
 Q. Have the other churches and denominations got hospitals in Cuba?—A. Yes; the Episcopalians have them.  
 Q. Have they been disturbed?—A. Yes, sir.  
 Q. Has the Episcopalian minister been disturbed?—A. I do not know.  
 Q. He left?—A. Oh, yes; he left. The general agent of the American Bible Society, Dr. McKean, left the Island of Cuba, too.  
 Q. Was he expelled?—A. I do not know. They disappear; that is all we know.  
 Q. What is said to be called the capital of the insurgents?—A. Cubitos.  
 Q. Is that the seat of government of the insurgents?—A. Yes, sir.  
 Q. Who is the president?—A. Cisneros.  
 Q. Where does he hold his office—perform his duties?—A. Right there, in Cubitos.  
 Q. For how long a time has he performed those duties at that place?—  
 A. Well, I think for ten months.  
 Q. Has he ever been disturbed or fled from the city since that time?—  
 A. No, sir.  
 Q. Has he a cabinet?—A. Yes, sir.  
 Q. Who is the minister of foreign relations?—A. Mr. Palma, I think.  
 Q. Who is the minister of the interior?—A. Mr. Portuondo.  
 Q. Who is the minister of justice?—A. Well, I may know the name but do not recall it.  
 Q. Well, is there a minister of justice there?—A. Oh, yes; I know they have a cabinet there.

- Q. Any more ministers?—A. Yes; they have two or three more.
- Q. Now, do those gentlemen, except Palma, live in Cubitos?—A. All there.
- Q. Performing their duties?—A. Yes, sir.
- Q. Have they ever been disturbed?—A. No, sir.
- Q. Have they a legislative assembly?—A. Well, they had one about a year ago when they appointed Cisneros.
- Q. Has there been any session since?—A. I do not know whether they have had any session recently.
- Q. Have they a printing press?—A. Yes; they have a printing press there. I say they have, because I saw a paper that was published up there. The name of the paper was Cuba.
- Q. Is it an organ of the insurgents?—A. Yes; it is an organ of the insurgents.
- Q. Is it printed regularly?—A. I do not know. I only saw a copy.
- By Senator MORGAN:
- Q. Have they a post-office department?—A. Yes; a postmaster-general.
- Q. And postage stamps?—A. And postage stamps.
- By Senator DAVIS:
- Q. How do they carry the mail over the island?—A. Well, they have their own means to carry letters.
- Q. In cases of battles do the Spanish troops give quarter or do they take prisoners?—A. In a great many cases they do not give quarter.
- Q. How about the insurgents; do they give quarter or take prisoners?—A. Yes; they give quarter and take prisoners and give them an invitation to join the rebel army. If they do not accept it they give them parole.
- Q. What do the Spaniards do with the prisoners they take?—A. Kill them.
- Q. Is that a universal practice?—A. Yes, sir; universal practice.
- Q. Do you mean to say the Spanish butcher their prisoners?—A. Yes, sir.
- Q. Universally?—A. Universally; yes, sir.
- Q. Are any women fighting in the insurgent ranks?—A. No; they do not fight, but they are with the soldiers, because they are wives or relatives or something, and join the ranks.
- Q. What do the Spaniards do with the women when they catch them?—A. Kill them.
- Q. Do you mean to say they kill them the same as men?—A. They kill them; yes, sir.
- Q. What do they do with the children?—A. Kill them.
- Q. Do you mean that to the full extent of what you say, that they kill men, women, and children?—A. Yes, sir.
- Q. How do soldiers treat women when they catch them?—A. Oh, insult them.
- Q. Do you mean by insult them they ravish them; do you know anything of that kind?—A. Yes, sir.
- Q. Now, these statements you have made impress me very seriously and I want to be certain. Am I to understand that in case of an engagement the Spanish troops give no quarter, and that either then or after the engagement they kill every insurgent, man, woman, and child?—A. Well, not the insurgents, because they never have that chance and could not.
- Q. No, not the insurgents, but I ask if the Spanish troops do that?—

A. They do not do that to the insurgents, because the insurgents never allow them to do that; but the general rule is when they have a battle the insurgents retire and the Spanish troops come in, and any person they find in the neighborhood they kill—men, women, and children, non-combatants.

By Senator MORGAN:

Q. When you were taken as a prisoner you were taken by General Weyler's order, were you—you and your brother?—A. Yes, sir.

Q. You were confined in a house?—A. Yes, sir; we were isolated.

Q. I know; but you were confined in a house?—A. Yes, sir.

Q. How long?—A. Eight days.

Q. During that time were any charges at all presented against you?—  
A. No, sir; not one.

Q. Did you demand charges?—A. Yes, sir.

Q. Well, are you an American citizen?—A. Yes, sir.

Q. Fully naturalized?—A. Yes, sir.

Q. Got your papers and all?—A. Yes, sir.

Q. How long ago did that take place?—A. About thirteen years.

Q. And you have been known as an American citizen since you have been in Cuba?—A. Oh, yes.

Q. Did Weyler allow you to have any communication with the American consul?—A. No, sir.

Q. He refused it?—A. Yes, sir.

Q. You desired it and he refused?—A. Yes, sir.

Q. And no charges were made against you?—A. No, sir.

Q. Were you required to make a declaration?—A. Yes, sir; they asked me two or three different questions.

Q. And after that, did they release you?—A. Yes, sir.

Q. How long after that?—A. Twenty-four hours, I think.

Q. Then you were ordered to leave?—A. Yes, sir.

Q. Leaving on the next steamer?—A. Yes, sir.

Q. And you brought your wife and family with you?—A. Yes, sir.

Q. How many children have you?—A. Two children.

Q. Do the Cubans get any arms and ammunition from the villages or people?—A. Yes; they get them from Habana.

Q. How do they get them?—A. Exactly, I do not know the way they manage it, but I know they get all they need. I heard the people talk about that.

Q. The people supply them, of course?—A. Yes, sir.

Q. Do you know whether there is any order of the Spanish Government to prevent the landing of arms or munitions of war?—A. They do not allow any sale of arms in the city of Habana. You do not find in any store any rifles or any of those hunting guns. You do not find anything of that kind in the city of Habana.

Q. The sale of them is prohibited?—A. Yes; as contraband of war. And now I hear the later report is they consider corn as a contraband of war, too.

Q. Well, you raise corn in plenty in the interior of Cuba, do you not?—A. Yes, sir.

Q. How many crops of corn can you raise in a year in the interior of Cuba?—A. Well, horses are contraband of war, too, and the people of Cuba can not have horses. They have to give all the horses to the Government as contraband of war; and now corn is a contraband of war, too. The trade of Habana has been wretched. They have no trade. All grocery stores are empty; nobody spends a single cent in

any store. They have no money, and the Spanish people have been going away from the Island of Cuba.

Q. Do you have any paper money at all in Cuba?—A. No, sir; they have silver and copper and gold. I believe the Spanish people in Cuba—those in business—are all in favor of the rebellion, because if the Spanish Government takes possession of the island again they will have to pay the last debt and this additional debt. They have to pay about \$35,000 a day, and this is the interest of the debt; but they do not know how much the debt is. They call it \$35,000 a day, and every day. They get it from the custom-house.

Senator MORGAN. Now I will read this paper to you.

Senator Morgan read the paper, as follows:

*To the Honorable Chairman of the Foreign Relations Committee, United States Senate.*

DEAR SIR: On the 12th day of September, 1895, I received authority from the inspector-general to organize and maintain sanitary delegations at different points throughout the island of Cuba. I have now in my possession the original copy of said certificate of permission, signed officially.

The by-laws were approved on November 18, 1895, copy of which I hand you herewith. I would call special attention to article 2 of chapter 1, by which it will be seen I was permitted to constitute neutral camps.

I, with some other doctors and Christian people, some of whom were American citizens, organized the White Cross, in conformity with said by-laws.

While General Campos was in command the rules of civilized warfare were strictly enforced by his orders.

After General Weyler assumed command we were summoned before him and instructed not to treat or otherwise care for sick and wounded among the soldiers of the insurgents, as we had been permitted to do under the administration of General Campos.

Since the time General Weyler has been in command we have treated about 700 Spanish soldiers, each case being reported to him, at a cost to us of about \$5,000, and before he assumed command we had treated about 1,300 Spanish soldiers.

During the time General Campos was in command our delegations treated the sick and wounded of both the insurgents and the Spanish alike.

During the prosecution of this work I have been a great deal out on the fields and have had good opportunities of making observations of the practices and character of the warfare of both armies.

I have seen the general order issued by Gen. Maximo Gomez, directing that all prisoners captured from the Spanish army should be treated with proper consideration. That first they should be disarmed, then offered an opportunity to join the insurgent ranks. If they declined to do this voluntarily then they must be released without parole and escorted to some point of safety. The same order further directed that Spanish prisoners who were either sick or wounded should be nursed and carefully treated until well when, if they do not desire, voluntarily, to join the insurgent ranks, they must be released and conveyed under military escort to a point of safety. It was also ordered by General Gomez that no women should be molested or interfered with by any insurgent soldiers under penalty of death.

Those entire general orders are now in force and have been since the

beginning of the insurrection. They are very positive, and severe penalties are provided for their violation.

From my personal observation I know these orders have been strictly enforced. I know of one instance where, in the town of Jamaica, an insurgent soldier violated these orders by laying his hands upon a woman with criminal intent. For this offense he was ordered to be shot, and I saw his body after he had been executed.

I have personal knowledge of this order in regard to the release of prisoners having been complied with.

At Peralego I saw General Maceo return to General Campos, at Balamo, about 150 prisoners, and at Camaguani I saw Rego return to the Spanish authorities 100 prisoners.

I have also had opportunities for observing the methods of warfare and cruelties practiced by General Weyler. It is well known to the residents of Cuba that his record is one of cruelty and blood. I can substantiate the following incidents which have come under my own observation.

At Menocol farm, near Managua, on the 3d day of February, 1896, I was called to attend a woman who had been shot, the bullet entering her shoulder and ranging down her spinal column. I saw her at 4 p. m. The circumstances as related to me by her husband were as follows:

He was engaged plowing near his own home and the woman, his wife, was in the field with him dropping the seed. As soon as the Spanish soldiers, under command of General Ruiz, approached in view, they (the Spanish soldiers) commenced firing. Both the husband and wife lay down on the ground, and in that position she was shot. As the husband was lying down he held a small limb of a tree; this was struck with one of the shots. I treated the wound. They were non-combatants, unarmed, and pursuing their legitimate vocation in their own field; their only offense was that they were Cubans. There were at the time no insurgents within 20 miles of them.

On February 22, 1896, I was present at the city of Punta Braba where a battle was fought between the insurgents and the Spanish under command of Captain Calvo. The insurgents retreated. The Spanish troops then went to Guatao, a suburb about 2 miles distant. The insurgents were not there and had not been there. The Spanish soldiers at once commenced to shoot private citizens indiscriminately on the streets or in their houses, wherever they found them, until they had killed six or seven men (noncombatants).

The soldiers then went into different homes and gathered together 17 men; they tied these together two and two, binding their hands and arms together. Among the number was Mr. Ladislao Quintero, an American citizen, who they found in his own home, sick in bed. He informed the captain that he was an American citizen and protested against being molested. Captain Calvo said he wanted him, too, and forced him to go, bound with the others. When they were all tied they were taken out together on the street and commanded to kneel down. After they had done so, then the whole company fired on them by command of the captain. The whole of the 17 were killed, except Mr. Quintero. He was wounded in the left arm and the man to whom he was tied was killed with all the others. This all occurred at 7.30 p. m., on February 22, in the immediate presence of the wives and children of the unfortunate men. Mr. Quintero was about 21 years of age, born in Key West, Fla. The man to whom he was tied, Mr. Pedro Amador, was 17 years of age.

Mr. Pedro Amador was not killed by the gunshot wound he received,

but one of the Spanish soldiers stepped forward to his prostrate body and beat him to death with the butt end of his gun while he was still tied to Mr. Quintero, the American citizen. I was present and saw this entire proceeding. When I returned to Habana I learned that Mr. Quintero was in Morro Castle, a prisoner, where he remained until April 11 without having his wound dressed. On April 11 he was released.

I am informed by persons in Habana, who have been prisoners in Morro Castle, that there are in this prison as many as 100 prisoners confined in one small room. That in the morning they are furnished with only three pails of water. This is generally used up by 11 o'clock a. m. and they are not allowed any more until the following morning.

In the case of Mr. Edward Delgado, from Banao, an American citizen who has a claim against the Spanish Government, his papers being on file in the Department of State at Washington, you will find by reference thereto that I was the physician who certified to his wounds. I am familiar with this case, and it is a very aggravated case of extreme cruelty to a private American citizen at his own home without provocation.

The following is only a few of the many cruel incidents that have occurred while I was present:

When the military courts inflicted the sentence of perpetual imprisonment in the cases of Messrs. Sabourin, Garcia, and others, the Captain-General protested against their leniency and asked for the infliction of the death penalty.

On the 12th of March I was called by the sanitary delegation of our society in the town of Calvario for the purpose of attending to the case of a young man of 19 years, who was wounded in the peaceful pursuit of his business—that of a milk dealer. He was driving into the town in his milk cart when two soldiers fired on him from an ambush without any warning, breaking his right leg.

I assisted in carrying the man to his home, and then made an examination of his wound and found that the bones of his leg had been fractured in such a manner that amputation was necessary. I found that the bullet used was an explosive one made as follows: An outside covering of copper filled with lead, which results in the copper covering flattening against the lead and scattering it in such a manner as to destroy all surrounding tissues and compound the fractures of the bones.

On the 13th of March, at the corner of Reina and Aguila streets, Habana, I found a crowd collected around a prostrate man, and, as a member of the White Cross Society, I proceeded to render him whatever aid was necessary. I found the man dead, and counted and made an examination of his wounds. He had 71 bayonets wounds, 7 of which were through the heart and several through the eyes. He also had 4 cuts with the machete on the head, the skull being fractured into small pieces. The ferocity of the soldiers was also shown by the marks in the sidewalk made by the point of the bayonet after having passed through the prostrate form of the man. The cause of the killing was as follows: The murdered man was in a dry goods store purchasing cloth when the two soldiers entered and, after insulting the proprietor, took this man out and killed him in the manner related, saying he was an insurgent. The man had no arms whatever on his person, and could not, therefore, defend himself in any way. I wrote out a statement of his wounds and gave it to the judge in the case, who holds a position similar to that of coroner in this country.

On the 14th of the same month I, as vice-president of the White

Cross Society, received a report from the town of Artemisa, telling me that the Spanish troops under Gen. Suarez Inclan had bombarded an insurgent hospital, killing over 50 wounded men who were receiving treatment there, and that the surgeon had been compelled to flee to Habana hidden in a cart. Upon his arrival at Habana he confirmed the report made to me. In Artemisa the ladies of our society had two hospitals, one for wounded Spaniards and one for wounded Cubans, the latter being the one bombarded, as told. The insurgent forces have entered the town of Artemisa several times, but have never disturbed the Spanish hospital, although they could have easily done so if they wished.

Another insurgent hospital in the town of Paso Real, Province of Pinar Del Rio, was also destroyed by the Spaniards, killing all the wounded inmates. It is reported that at the time of destruction there were about 200 wounded Cubans in it.

The same thing was done with another hospital in Sigüanea, Province of Santa Clara.

Notwithstanding the proclamation of the Captain-General that all those surrendering would be pardoned, Mr. Aleman, who surrendered, and who also had a wound in the hand, was shot a few days later on the plea that his wound showed that he had been fighting.

In the woman's jail in Habana there is a lady who has been imprisoned for the last six months solely because she is suspected of being in sympathy with the insurgents' cause and because she has two brothers in the insurgent army. There are imprisoned, as rebel sympathizers, several children, the age of the youngest being 11 years.

When an armed force approaches any of the interior towns there is great excitement and consternation until it is ascertained whether they are Spanish troops or insurgent forces. If insurgent forces there is immediate tranquillity, as they do not destroy anything unless there are Spanish forces located there. But if the approaching troops turn out to be Spanish forces there is great confusion and fear, as the Spaniards not only sack the town but steal all they desire and also take all detachable woodwork to be used in building their huts. They destroy everything that comes in their way, take complete possession of the houses, violate women in many cases, and commit nuisances in the middle of the streets. They claim to go into the towns for the purpose of defending them against the insurgents, but on the approach of the latter they take refuge in the houses and do not come out until the town is set fire to by the insurgents for the purpose of driving them out. I have personally seen all this in more than ten cases.

On the 13th of March I went to the town of Caimito for the purpose of leaving medicines, bandages, etc. On arriving there I was informed that there were two wounded children at the farm known as "Saladriga." I went to their assistance, but found they had already received medical treatment. The eldest of these was 1 year and 6 months old, and had suffered a fracture of the right arm caused by a bullet wound. The other was 3 months old and had suffered a fracture of the lower jaw from a similar cause. I was informed that 2 miles from this place the insurgents had attacked a troop-laden train without success. The Spanish troops left the train to reconnoiter and took the road on which the insurgents had passed. On this road lived the mother of these two children. Fearing that some harm might befall them, she decided to seek shelter elsewhere. Upon her appearance at the door with two children in her arms, she was fired at with the above results. These Spanish troops were under Commander Calixto Ruiz.

On the 19th of March I went with my brother, Alfred, to the town of Bainoa for the purpose of attending to Mr. Venancio Pino, 70 years of age, who was wounded at the same time as Mr. Delgado. I found that he had several slight bullet wounds in the head, but his right arm had been horribly fractured, necessitating amputation at the shoulder joint. The bone had been fractured into many pieces, and was caused by a bullet similar to the one in the case of the milk dealer spoken of before.

On the 8th of April, at the farms near the town of Campo Florida, the Spanish troop under Commander Fondevilla assassinated Mr. Ramon Castellanos, 19 years of age; Joaquin Medina, 14 years old; Jose J. Ochoa, 30 years, and a schoolmaster 35 years of age; Domingo Luzans, 38 years; Margarito Zarza, 50 years; Camilo Cejas, 40 years old; Jose Valdes, 14 years old; Manuel Martinez, 40 years old. These were buried at a point between the sugar estate of Tivo Tivo and the town, the Spaniards forcing the victims to dig their own graves before murdering them.

For the purpose of brevity, I will give the number of noncombatants assassinated each day. I have their names and can furnish them if required.

On the 9th of April, 4.

On the 15th, between Campo Florida and the sugar estate of Felicia, 10, whose corpses were left without interment.

On the same day, on the road between Guanabacoa and Bacuranao, 5 persons, 2 of whom were cousins of mine.

Over 100 persons were shot within a radius of 10 miles and not distant more than 6 miles from Habana, and within a period of fifteen days.

All of these were noncombatants.

The case against Julio Sanguilly, the imprisoned American citizen, is purposely delayed so as to keep him incarcerated.

In the case of my brother and myself, we were persecuted for the reason that we were American citizens and had charge of American church institutions in Habana.

During the excitement attending the passage of the belligerency resolutions in Congress two dynamite bombs were placed in the church and exploded while we were holding service, but only resulted in the breaking of glass and causing a panic in the congregation. Our house was searched, but nothing incriminating was found, but we were arrested and imprisoned eight days, being released on the condition that we leave Cuba immediately. I would say that no charges were made against us. We immediately left Cuba.

Mr. Toledo, an American citizen employed as a Bible distributor by the American Bible Society, was imprisoned in the town of Jaruco, and has mysteriously disappeared, and it is believed that he has been murdered.

My brother and I are here for the purpose of laying these facts before your committee and to urge the honorable Senate to either recognize the belligerency of the Cubans or to have the United States intervene for the sake of humanity and civilization. Those are the only methods of putting a stop to these frightful barbarities.

Yours, respectfully,

A. J. DIAZ.

Senator MORGAN. Do you swear to all that?

A. Yes, sir.

Senator MORGAN. Then please sign it.

The witness then signed the paper.



**STATEMENT OF MR. WILLIAM D. SMITH, ON THE 3D DAY OF  
JUNE, 1897.**

Mr. SMITH was sworn by Mr. Davis, chairman of the committee. Senators Clark and Morgan subcommittee.

By Mr. MORGAN:

Q. Will you tell us your name and age?—A. William D. Smith; I am in my forty-third year; I was born on the 29th day of February, so I have had but ten birthdays.

Q. Did you ever belong to the Army of the United States?—A. Yes, sir.

Q. Did you hold any office? If so, what?—A. I went into the Army of the United States, in the first place, as an enlisted man, April 1, 1879, and rose to the rank of first sergeant, and then passed an examination for a commission, under a request from my company commander. I was appointed.

Q. When did you resign, if you did resign?—A. In 1884, at Fort Lowell, Ariz.

Q. In what occupation have you been since that time?—A. I practiced law to the time I went to Cuba. I graduated at Harvard Law School, and read law under Senator Edmunds. I was in Troop F, Fourth Cavalry, Capt. Wirt Davis, stationed now in Texas.

Q. Where did you practice law?—A. In Ohio.

Q. When did you go to Cuba?—A. I went to Cuba in 1896. Do you mean when I arrived there, or when I left here? I arrived in Havana in April, 1896.

Q. Did you go to Cuba on private business, or for the purpose of enlisting in the Cuban army?—A. I was sent there by some Cubans. I went there to join the insurgents for that purpose.

Q. What body of insurgents did you first join and where?—A. General Swarra, in the Province of Camaguey.

Q. How long did you remain with him?—A. I joined General Swarra on the 15th day of April; was with him just two months, nearly, to a day.

Q. Did you hold an office in the army under him?—A. Yes, sir. I will make an explanation of that. I held an office under him; that is, afterwards it developed that way. General Gomez gave me my diploma, dating it from the hour I arrived on the island—that is, he did not then date it, but gave me my rank from the hour I arrived. The Cubans do not use the word commission; they use the word diploma. I have with me my diploma, and that is it, dated the 18th of October last. It is in Spanish, of course.

Q. Was the commission authorized by the civil government?—A. Yes, sir.

(Witness here produced his commission as captain in the Cuban army, signed by Gomez, and dated the 18th of October, 1896.)

A. (Continued.) I will explain about that as to who gives the commissions. The general in chief of the Cuban army, according to their laws, has the authority to give a man a rank as high as comandante, corresponding to a major with us. I was made a comandante two days before I left camp; but the government had not acted on it, and I do not claim the rank until they do. He can appoint officers up to the rank of captain; but when he goes above that he recommends a man and the civil government acts upon his recommendation.

Q. The civil government?—A. Yes, sir; you will see that the general's seal is on there.

Q. Did you receive any further promotion in that army?—A. Only as I tell you. When I left, when I came on this commission, I was recommended for comandante.

Q. Equivalent to major in the United States Army?—A. Yes, sir.

Q. That rank you now hold?—A. Yes, sir; the government had no time to act on it—they were in Camaguey and we were in La Villos.

Q. You do not have your diploma as comandante?—A. No, sir.

Q. When did you join General Gomez?—A. The 15th day of June, 1896, at the battle of Saratoga.

Q. Under whose orders?—A. I was ordered to report to him (I had three generals to report to) by the Cuban government. I had my choice as between Antonio Maceo, Calixta Garcia, or Gomez, and Gomez happened to be the nearest officer after I got into Camaguey. Swarra and Gomez were in one end of the Province, and when they came together I left Swarra and went to Gomez.

Q. Where was he when you joined?—A. At Saratoga. It was during that fight.

Q. He was in the midst of the battle when you joined?—A. Yes, sir.

Q. Did you win that fight?—A. He gave General Catalanio a thorough thrashing. The Spanish acknowledged they were defeated. It was one of the battles in which they never denied they were whipped.

Q. In what Province?—A. At Camaguey, 7 leagues from Puerto Principe—21 miles. They fought two days, and General Gomez drove them off the field and fired at their troops as they entered into Puerto Principe, and then camped on the ground three days.

Q. What were their relative losses, killed and wounded?—A. The Cubans lost 68—that is their official report—killed, and 110 wounded. The Spanish loss we do not know exactly, although I witnessed some 180 dug up and counted by the general's order. The only way the Cubans have of ascertaining the loss of the Spanish is by digging them up. They bury their dead and Cubans dig them up and count them. Then they are reburied at once, without other disturbance.

Q. Where are they buried?—A. Just where they fall.

Q. During that fight?—A. Yes, sir. You have to bury a dead man about as quick as he drops; if you don't there will be no staying there.

Q. Have you been constantly with Gomez from that time until the time you left Cuba?—A. Yes, sir; with the exception, of course, of being sent from time to time in charge of commissions, I have been constantly under his orders until the 2d day of last month.

Q. What was the longest time you were absent from his command?—A. Twenty days was the longest time I was ever absent. He sent me on a commission to a sugar plantation to see about the permits.

Q. Was that before Gomez had been down to the west of Pinar del Rio, or after?—A. Before; I joined after he went down there.

Q. Did you go with him through Pinar del Rio?—A. No, sir.

Q. You were, then, with him on his great march?—A. Oh, no; that is a mistake; I was not. This great march of his was before I joined him. That march from one end of the island to the other was previous. When he came back from Pinar del Rio, then I joined him. After the fight at Saratoga, ten or fifteen days, allowing sufficient time to rest his troops, he made a trip down to the Orient to visit Calixta Garcia, whom he had not seen since the ten-year war, and we found him near Santiago. There was no fight on the way, although we had several battles after we got there and he had met his old comrade.

Q. After that, did he go to Pinar del Rio?—A. No, sir; not since I have been with him.

Q. Have you been in other important engagements in which Gomez was in command?—A. I have been in every engagement he has been in. I have a record of them, but do not have it here. There were 42 engagements I have been in with General Gomez, besides little skirmishes I did not count. It is a dash and a few shots and get out of the way where they outnumber you. There were 242 engagements where he stood his ground and camped on the ground of the Spaniards, the last engagement just a few days before I left, when General Gomez and General Weyler met for the first time.

Q. Where was that?—A. At La Reforma.

Q. A sugar estate?—A. No, sir; not a sugar estate; it is a cattle range; the most beautiful place, I think, in La Villias. It is General Gomez's favorite camping ground, because his son was born there.

Q. How did the last battle wind up?—A. General Weyler withdrew the troops and went to Puerto Principe and Gomez camped on the ground.

Q. How many troops were engaged?—A. Gomez had 1,500, or possibly 2,000—I am trying to get this as near right as possible—I do not want to overestimate. The Spanish had 20,000 men—General Weyler had 20,000 troops with him.

Q. 20,000 in bodies within reach of each other?—A. No, sir; 20,000 men right in the fight at one time; not in a mass, in any one body, but he had 20,000 in columns. The fighting down there requires explanation. It seems ridiculous that 1,500 men would stand and fight 20,000, but the Spaniards always march in a column of 1,000 men and 1 piece of artillery—1 cannon. They came into Reforma in twenty different directions. The trap was being laid by General Weyler to capture General Gomez. The General was cognizant of it for two weeks, and waited for them to come. The way he fought those 20,000, he would have 100 men fight one column, and 50 men fight another column, and 100 men fight another, and 75 still another column, and so on, and he stood them off like that. I have known 10 Cubans to hold a Spanish column of 1,000 men until General Gomez could get together his impedimenta and get out—hold them at a dead standstill. I account for it by the reason that the Spaniards thought that there was a trap, an ambushade, and they would not run into it. That is General Gomez's tactics; he has done it several times.

Q. What is the area of that estate?—A. Between ten and twelve thousand acres.

Q. What were the losses in the battle of La Reforma?—A. The last one?

Q. Yes, sir.—A. The Cuban losses were 26, I think, killed, during the two days' fighting.

Q. How many days?—A. Two days.

Q. How many wounded?—A. The wounded it is hard to estimate. We never know the exact number wounded, because so many are wounded who do not pay any attention to it. I saw one man wounded who was shot with a Mauser bullet, which passed right through him, and we never knew anything about it for two days. That seems almost miraculous, but it is true. I suppose you have seen that Mauser bullet. The lead is covered by some metal. I can show you a wound that you would have said, if it had happened with any other cartridge, that I would have had to have an amputation. One went right through my ankle, and I was only in the hospital two hours—long enough to have it done up. The bullet does not make any fracture. I have never seen a case of amputation since I have been on the island, and it does not cause septicæmia. There is the wound [exhibiting]. The bullet entered here [pointing to his ankle] and came out there. I was never laid up a minute. The doctor in camp simply dressed it with iodoform and a little antiseptic. That is why I say it is almost impossible to give an exact account of the wounded.

Q. About how many?—A. I should say 50 or 75.

Q. What was the loss to the Spaniards?—A. Their loss was 180 or 185 killed, and the wounded we never know, although in getting here after leaving camp I ran across a practico—that is, a guide—and he told us he had guided General Weyler's forces across the Rio Sassa, and he got it from the soldiers that they had 300 or 400 wounded.

Q. Weyler was in personal command on the one side and Gomez on the other at that time?—A. Yes, sir; the first time they had ever met. The New York Sun gave an account of it.

Q. Where did Gomez's troops camp after that battle?—A. At Reforma, on the battlefield. He has always marched over the battlefield since I have been with him.

Q. General Gomez is commander in chief of the Cuban army?—A. He calls himself the general in chief. The commander in chief is Cisneros Betancourt.

Q. Under whom does he hold his commission?—A. Under the Cuban Government. He has a diploma, the same as I have—I have seen it—only, of course, with different names and grades.

Q. Do all the officers hold their commissions from the civil government?—A. Everything above a captain.

Q. Does Gomez make report to the civil government?—A. Daily. They may not get them daily, but there is a daily report made by Gomez to the civil government. He makes them up, and every two or three days they are sent by couriers. Of course, there may be a jump of a day or two.

Q. Does he report for his own command or entire army?—A. For the entire army.

Q. The army, then, is divided into———A. Into six army corps.

Q. And six generals?—A. Yes. Those army corps are divided into divisions, and those divisions into regiments, and those regiments into companies. It is a facsimile of our Army in that respect.

Q. He receives his reports, then, from the six army corps commanders?—A. Yes, sir; he is the only man that reports to the government; the others all report to him.

Q. How are the communications maintained between Gomez at his headquarters and these other five corps?—A. By the couriers—by dispatch.

Q. Are the communications free, certain, and rapid?—A. They have

there what they call—that is, under the control of the civil government, they have what they call—their mail service, which reaches all over the island. They have their post-office and houses, and they call it *la casa posta*. A courier rides up to one of these post-offices—

By Mr. CLARK:

Q. This post-office system is under the Cuban civil government?—A. Yes, sir; under the civil government. Gomez has only to do with the army; the post-office is exclusively under the civil government.

By Mr. MORGAN:

Q. What are those Spanish names?—A. *La casa posta*, that is a house post-office, a depository for letters, a post-house. General Gomez wishes to send a communication to General Garcia, we will say. The mail is delivered to these couriers, who do not do anything but handle this mail. They are called *la casa posta hombres*, the post-house men. He takes these packages from Gomez and signs his receipt to Gomez. He carries that—the distance varies from 5 to 6 leagues, a league is a trifle over 3 American miles—he carries it, mounted and in his saddlebags, to the post-house. There he turns it over to another man, who receipts to him, counts the different packages and letters, and receipts the number he receives from the courier. He jumps on a pony and goes right on. No matter what time of day or night, he is compelled to go with it, and so it goes on from hand to hand until it reaches its destination.

Q. And that is the method by which communication is kept between the different corps?—A. Yes, sir.

Q. Have they any local telegraph offices?—A. No, sir; the Cubans do not allow any telegraph offices. Of course, when the war started they were all over the island, but the wires have all been cut down.

By Mr. CLARK:

Q. It would seem that communication, even mail service, is maintained by the civil government and not by the army?—A. Gomez has nothing to do with that, not the management.

By Mr. MORGAN:

Q. Where are these six army corps located?—A. The first army corps is under command of Calixta Garcia. That commences at Baracoa, and runs to the Province of Camaguey. Then another one is in Camaguey, commanded by—General Viga is in command of this army corps, called the second army corps. The third is under command of General Riviera, who has been recently taken prisoner and is now in Moro Castle. This is in the extreme west. The fourth is under General Vegas; the fifth, in Havana Province, under command of General Rosa, a Colombian, and the sixth is through here, these two Provinces [pointing on the map], in command of General Maria Roderignes, in the Province of Matanzas, in Santa Clara.

Q. What is the estimated numerical strength of these six army corps?—A. The strength of the six army corps at the last report was 40,216 armed men—I will give the exact figures—it will be more now. Three expeditions have landed on the island since I left General Gomez, and the strength will be more instead of less. Every expedition that lands with arms makes the strength of the army greater.

Q. Are the troops waiting for arms?—A. Always. You can find in Gomez's army all the way from 500 to 1,000 men waiting; that is, in the vicinity. He does not, of course, allow them in the immediate camp.

Q. If Gomez could get arms, to what extent could he recruit and maintain his army?—A. A little over 60,000.

Q. How are these army corps maintained?—A. What do you mean by that—living?

Q. Yes.—A. That is managed by—so far as the beef is concerned, they manage that themselves, but the vegetables and other food—everything with the exception of beef—is handled by the civil government. It supplies them to the army. To make an explanation, the civil government has under them prefectos and subprefectos in each Province. In each of the Provinces there is a governor and three lieutenant-governors. This governor and these three lieutenant-governors have under them prefectos and subprefectos. The prefectos act the same and are the facsimile of our justices of the peace. They collect the government revenue and report to the lieutenant-governor of the district they are in; the lieutenant-governor makes his report to the governor, and the governor makes his report to the government. They have to have a system of that kind. The Cubans are collecting the tax all the length of this island, and have been until Gomez objected to any grinding on the Island of Cuba. Gomez is opposed to having any grinding. He thinks, whether a foreigner or anybody else owns the property, the property should be destroyed if Spain derives any revenue from it, and if the Cubans are successful they can settle with the foreigner, and if not it devolves on the Spanish Government to settle. The government has held him down, and he has held his point so far. There have been a few ready to grind, especially in the Trinidad Valley.

Q. Grind sugar?—A. Yes, sir.

Q. Is there a tax system outside of this license for grinding?—A. Not at present, because there is no one from whom to collect a tax. All the good Cubans are in the army. There may be a few in the cities. I know nothing about that, but there is not a Cuban in the island in the interior who is not either fighting or working ten hours a day to support those who are fighting.

Q. Working how?—A. Tilling the soil, or making shoes or saddles, or something of the kind. In this Province—Puerto Principe—there is a shop where there are 300 mechanics, and they are mechanics. If you could see some of the work, you would agree with me. They have almost every kind of machinery conceivable pertaining to the work in that shop. These 300 men are making shoes. The hides of the beeves killed the entire length of the island are collected as fast as they are taken off the animals, and they are taken to the place for tanning, up in the mountains, and then the leather taken to a shop. Every Province has its shop. I mention this one in Puerto Principe particularly because it is the best, I think. You can go there with a horse and come away with a new saddle and bridle and your horse well shod.

Q. Who pays them?—A. The men?

Q. Yes, sir.—A. They are Cubans; they are supposed to do this for nothing. They have their choice to enter the army or contribute to its support. These shops are all under the management of the civil government. Every Cuban on the Island of Cuba, unless he has run away and got under the protection of the Spanish Government, is supposed to have a gun in his hand or be working for those who have a gun; and they do it with a royal good will. These men work ten hours a day; the pacificos go to the mountains and till the soil. I saw in Trinidad, where there were 15 or 20 acres on the slope of the mountains where they have cut the timber down and planted sweet potatoes, and you can kick out sweet potatoes as large as that cuspidor. I have not eaten

a meal on the island without having all I wanted, and the finest honey and beef and sweet potatoes. Gomez is husbanding the beef, and I think he has enough to last time immemorial. They are only allowed to kill what is actually consumed. The same can be said of the horses; all under the control of the Cubans are in depositos. He does not allow a soldier to ride a mare, only geldings; that is in case the war is prolonged, so that they may have their horses. They systematically propagate horses, mules, and cattle.

Q. From your knowledge of resources of Cuba and its power to produce animal life, how long do you think that the Cuban government could sustain an army of fifty or sixty thousand men?—A. Under the plan or system they are working now, I do not know why they should not support it for ages. I know that the cattle are apparently just as many as when I went there a year ago, and more vegetables, because they have been accumulating them all the time. The civil government works at that all the time, and there are more of them than a year ago.

By Mr. CLARK:

Q. How are the women and children provided for?—A. Those in the interior—their husbands, the pacificos—the rule is this: The civil government allows one man to provide food for every five women and children. These can be five women, or one woman and four children, but it allows one man to stay away from the army—or a portion of the time—one man for five women and children. That is the civil law. And they have their houses in these mountains, and they raise their pork and vegetables, and a great many of the women work in the shops where they are making clothes for the soldiers. In one portion of this shop there was a great number—I never counted them—daughters of the Cubans in the field and their wives, in there making clothes. I have seen 10,000 suits of clothes at one time, piled out there. That includes a pair of pants, a coat, and shoes.

Q. Is the Cuban army well fed?—A. The best I ever saw in any army. I have not had a meal—and that applies to the army, when I say myself I mean all—I have not had five meals on the island—

Q. What?—A. There have not been five meals on the island when I have not had my coffee and sugar. I say sugar; sometimes we had honey in place of the sugar—

Q. Where is the coffee raised?—A. Certain kinds of coffee grow wild in this province of Santa Clara. In these Trinidad hills there is one vast forest of coffee, where I have seen coffee on the ground 2 inches thick—on the ground rotting.

Q. Is it good coffee?—A. It is fair coffee. It is not the best coffee. Their best coffee is not the very best grade of coffee—

Q. It makes a good, wholesome beverage?—A. Yes, sir; it is good enough, so that when the soldiers don't get it they growl considerably.

Q. You would say the army is well fed?—A. Yes, sir; I hardly think that expresses it; they have luxuries. Now, a soldier who gets a piece of meat, a piece of bacon, and hard tack and coffee is well fed. I consider it for a soldier in the army it is good enough to fight on, but they have a good deal better than that; it is far above the average.

Q. This beef, is it a good quality?—A. It is the best I ever set eyes on, and I have done soldiering on our frontier.

Q. On our Western frontier?—A. Yes, sir; and there is nothing on our Western ranges that can touch it.

Q. You were speaking of the Western country. How many years' experience had you there?—A. I had nearly nine years.

Q. On our Western frontier as a soldier?—A. Yes, sir.

Q. Among the Indians?—A. Yes, sir; in Troop F, Fourth Cavalry. Fred Grant, son of General Grant, was the first lieutenant of the troop when I was in it.

Q. How are the people, the inhabitants who live within the Cuban line—how are they supported—well supported?—A. The same as the soldiers are. They raise all this food for the soldiers, and they take enough for their families. It is they who bring in these vegetables and honey and cheese. I have seen four hundred cheeses lying in Gomez's camp. When a soldier has cheese and honey to eat he is not starving.

Q. Is it a good grazing country?—A. In some parts of Puerto Principe it is a great grazing country, the finest part of the island. They have a great deal of milk there. In certain portions of the Province it is the finest grazing country I ever saw. The great advantage it has over our country is that they never have drought there. The water is exceptionally good. All the streams are mountain streams, virtually springs.

Q. Then you would say, if I understand your statement, that the Cuban Republic, occupying the ground it does now, could sustain an army of 50,000 men for an indefinite period, and that during that period the people would be in comfortable circumstances as to living?—A. Yes, sir; I want this committee to understand one thing about this. I do not have any knowledge regarding the Cubans or anyone else within the cities. I know nothing about that. If there is a Cuban in a city he ought to starve to death. He has no business to be there, and if he would get out and go to work, as a good Cuban ought to do, for his country, he could have all he wanted to eat for himself and family.

Q. What is the condition of health, and what has it been, since you have been there, in the Cuban army?—A. I have not seen a single case of smallpox or fever, and, as for myself, I have not seen a sick man.

Q. Is that true of the rural population?—A. Yes, sir; the Cubans never have smallpox or yellow fever in the country. Those are confined to the cities, where there is dirt and filth, and they do not take care of themselves. That is what they tell me, and I know from my own experience. I have never seen a case of yellow fever or smallpox.

Q. Is it a pleasant country to live in, the rural portions?—A. Delightful. The climate is perfect. There are a few hours in the day, during the months of July and August, from 11 until 1 o'clock, when a man is more comfortable in the shade than where the sun strikes him, considerably more comfortable; but when it comes night—I have not seen a night when I did not want a blanket over me. The Cubans all have blankets, very much like our army blankets, and their hammocks.

Q. You were speaking of these manufactures and shops. Are they scattered throughout the island in different locations?—A. Yes, sir. Suppose General Gomez wishes to supply a few men in his escort or the Victoria regiment, which are always with him. If he wishes to supply 5 or 6 or 10 men, he puts in a written requisition to the civil government. It goes to the government, to President Cisneros Betancourt, and he acts upon their requisition. Of course, all Gomez's requisitions are granted, and it is sent to the nearest factory or shop to General Gomez, to the governor of that Province, and he takes it and gives it to his lieutenant-governor, telling him that Gomez is within his jurisdiction, and orders him to supply that requisition. General Gomez himself can not ride up to one of those shops and even get a horseshoe nail without an order from the governor. The only thing Gomez has exclusive command of is matters pertaining to the army. Now I mean



by that, in the case of depositories of arms it is a little different. The civil government does not have anything to do with the distribution of the arms, although the arms and ammunition when they first come to Cuba are first turned over to the civil government. These expeditions never account to General Gomez, but to the civil government, and then the civil government turns them over to Gomez and he makes his own distribution.

Q. They have repair shops for arms?—A. Yes, sir. Do you know the Cuban government has made several guns, and made one cannon and molded it? That was done in the Province of Santa Clara.

Q. Have they any manufacturers of explosives or powder?—A. They have a great deal of dynamite.

Q. Do they make it?—A. Oh, no; but they make powder. All the cartridge shells used by the Cubans are preserved. After the fight all the shells are gathered together and sent to these shops. And there are men who reload them and make powder. What they make their powder of I do not know, but I have tested their cartridges and they will work well. They do that constantly.

Q. Is there a general arsenal?—A. No, sir; every province has its own shops.

Q. Its own shop?—A. Yes, sir.

Q. I will ask you about hospitals; have they hospitals established?—A. Yes, sir; some very fine ones. I mentioned Puerto Principe principally because I know that from A to Z; that is where most of my soldiering was done until we came to Santa Clara. There are good hospitals there. The lieutenant-governor has a large hospital under his immediate control. Then there are several smaller hospitals where a man, if he gets a little indisposed, can have a place to go to. They will send him to one of these little hospitals and let him recuperate, and then report back. These hospitals for the wounded are well supplied and well ventilated under the management of a doctor. That is a thing the Cubans are well supplied with; they have some very fine doctors. They are men who have graduated from our colleges and schools, among others from Rush Medical College. The doctor of President Cisneros is a graduate of Hahnemann College, a homeopathist. General Gomez's doctor graduated from Rush Medical College, the old school, then went to New York and took a special course in surgery in Bellevue, and the director—the medical director—with a rank of brigadier, Agramonte, who is the chief medical director of the island, graduated from both schools, homeopathy and allopathy, and speaks English as well as I do.

Q. I wish to ask, Have you visited any of the Cuban hospitals or been about any of the hospitals after they have fallen under the hands of the Spaniards?—A. Yes, sir; about two months. The exact date I do not know. I saw the only one that has come under my personal knowledge, but I heard of several. In the Province of Las Vegas they had a temporary affair put up after a fight at Mahaugh, only a short distance from a royal road, and the Spanish column in marching by there discovered the hospital by some hook or crook. We have always supposed it was discovered by some Cuban, a traitor to the cause and a practico for the Spaniards. They went in there. In that hospital there were 20 wounded, 3 lady nurses, and 1 doctor with the rank of lieutenant, and a guard of 8 men. That column went in and surprised the outfit and killed every one of them. I was on the ground about an hour and a half after, or I should judge about an hour and a half, for their bodies were still warm. They were cut up into pieces by machetes.

By Mr. CLARK:

Q. That includes the nurses?—A. Yes, sir.

By Mr. MORGAN:

Q. How did you happen to be there?—A. We were right after these troops; we knew they were in the field; we had an engagement with them and were following this column.

Q. To what point were they marching?—A. Sancti Espiritus.

Q. On the retreat?—A. Yes, sir.

Q. You were following?—A. Yes, sir.

Q. And in that way you happened to be at that point where they killed these people?—A. It did not happen so; we were bound to reach there. We saw the smoke and we hurried, but when we reached there they were gone and the bodies were not cold.

Q. Were the women dismembered?—A. Yes, sir; the bodies were cut to pieces. I got from a physician—this is something I do not know anything about, it is not in my line, but General Gomez's doctor informed me that these three women had been outraged previous to being killed. That I do not know, and do not state it as knowledge. That is why I did not mention it when I first gave an account of it.

Q. You saw their bodies?—A. Yes, sir; it was the worst sight I ever did see. I never want to have a repetition of that, for a man who once sees it never gets it out of his mind.

Q. Were all destroyed?—A. Yes, sir. You all know what a machete is. They run their machete through one man, and rip him right up the stomach, disemboweling him. That is the only case I ever saw, although I have heard of a great many others.

Q. You think you are safe in saying that no person, whether a soldier, doctor, woman, or patient escaped being killed?—A. I do not think even the dog escaped. Nothing that breathes the breath of life escaped that slaughter.

Q. About what time was that?—A. They must have struck the place about 11 o'clock in the morning, because we were close on them. We had a fight with them that morning at daybreak, and they pulled out and left us, and we followed them up, and when we got on the ground it was between 1 and 2 o'clock in the afternoon. This must have happened about 11.

Q. What month?—A. This was about two months ago, possibly two months and a half; I have no date. I never expected any examination of this kind, and kept no record.

Q. At what place had you fought with them that morning?—A. At Mahawaugh.

Q. During the operations you witnessed in Cuba, by General Gomez and the army under him, have you ever known any ill treatment to be bestowed upon a prisoner or a hospital?—A. No, sir; I want to illustrate that by something I know, that came under my own observation, regarding General Gomez. Three days after we received the information that his son had been assassinated—in one sense he was assassinated, because he was only wounded, and refused to leave his chieftain and was macheted; Captain Gordon told me that Poncho Gomez was only wounded, and after he was wounded he refused to leave the body of Maceo, and the Spaniards came and killed him with their machetes—three days after General Gomez received the news of his son's death there were 10 Spaniards brought in who had been captured by the Cubans, who had been on a foraging expedition; not exactly foraging, but letting their horses graze near the main camp,

thinking they were near enough to be safe, but who were gobbled up by a small party of Cubans. I saw Gomez look at them when they were brought in, and he said, in Spanish, of course, "I suppose if this thing should happen under your Government that you men would not stand much show of living. I have no place to keep you"—they had no place in which to keep them, although they have in Camaguey—"all I ask of you, gentlemen, is to get out of my sight," and he let them go, keeping their arms and ammunition. That was three days after the death of his son.

Q. About how many prisoners taken from the Spanish troops or armies have you known Gomez to release without any conditions?—A. I suppose 500 of them. I don't think that an exaggeration.

Q. Have you ever known one of them to be executed?—A. I have known one man that was shot. Of course Gomez did not do that or order it to be done. At the surrender of Wymaro, in Puerto, there were about 200 prisoners, and they were allowed the freedom of the camp, but were told they were prisoners, and if they tried to escape they would be killed, and after that order there was one private soldier tried to run the lines and the guard shot him. That was the only case I knew.

Q. You have never known of any prisoners or soldiers being executed?—A. No, sir; I have not only known of it, but there has not been any. I would not fight with an army that would kill a man without a trial, and if they did I would not help them down there.

Q. I wish to ask you something about the composition of that army. First, as to the races; what is the proportion as to the negroes?—A. The actual proportion, they have got that exact—the Government has; but President Cisneros told me that the white Cubans predominated by a little over three-quarters, one-quarter blacks and mulattoes; it is a little over three-quarters white.

Q. Are the negroes good soldiers?—A. Yes, sir; if they have white men with them. I do not think the negroes will fight well unless they have white troops with them. I know in our army we do not think the negroes—those of Ninth and Tenth Cavalry or the Twenty-fifth—would fight well unless they had white troops with them.

Q. Take the body of the Cuban army, the white people in it, are they as intelligent as the average of people in the rural districts here—what we call backwoods of the United States?—A. Yes, sir.

Q. Are they patriotic?—A. As much so as any class of people I ever saw. So much so that I not only heard General Gomez and the government and the officers, but I have heard private soldiers talk. I will say that there is not a man in the escort or in the Victoria regiment that I have not heard an expression from similar to this: That before they would lay down their arms they would let every Spaniard in Spain walk over their dead bodies, and they would not accept anything but absolute independence. If you want to make them angry, talk autonomy to them. They say they have been caught once, but they will never be the fish to be caught again with the same bait. And I have heard Gomez say that they should be glad to have the United States recognize them, but that they will keep up the war until they secure independence if it takes twenty years to do it.

Q. Is there any considerable proportion of native Americans in the Cuban army?—A. I do not think there is over 20 in the army, unless they have come with these recent expeditions. The Americans in the army are very brave men and a good deal of help to the Cuban cause.

Q. Not over 20?—A. Not over 20 or 25. You have heard of the

Texas cowboys, calling themselves the Lone Star Riflemen, etc. That is not so. I could not tell where these stories originate, but they have been exaggerated. I think I know and could name every American in the Cuban army; and, with the exception of Colonel Gordon and myself, they were all with Gen. Calixta Garcia. The Cubans could not handle the artillery, and the Americans are with the artillery. They have a bodyguard of about 500 men—Cubans—the general has given to them to back them up when they are laying siege to a place. Colonel Gordon was with Maceo and I am with Gomez, and we are the only ones separated from the main body. There is a little fellow named Funston, who made a trip through Alaska, a son of a Representative from Kansas, who is chief of the Cuban artillery force of the island. I saw him at Wymaro. He belonged to Topeka, Kans., to a little volunteer artillery force. He is about 24 or 25. I saw him at Wymaro make 112 shots under the direction of General Garcia, who was telling him where to aim, and out of the 112 shots he only missed one. General Gomez gave it that way in his report.

Q. What would you say was the type of the controlling men in Cuba, as to the character, as to the behavior, as to the education and general social worth?—A. Well, you take the people in the Island of Cuba, and I can not see there is much difference between them and our own Republic except in this respect: The Spanish people have controlled the island and there has not been much opportunity for education, or to amount to anything, except in the large cities. In the rural districts the education they have secured has been by hard knocks; they have picked it up. The Cuban people as a race are peace-loving people. They do not want this war, and do not like it. They are generous, free-hearted people, giving their last dollar or anything to a man in distress or want. I know they do not want the war; they see their island destroyed; every day it is growing less in value. Now, aside from the rural districts, I could take you into General Gomez's camp and introduce you (and I would not jump, I would take all the officials) to as fine a lot of gentlemen as you would want to meet; refined gentlemen, educated gentlemen, some even classically educated. In their different professions and walks of life they have acquired a great deal of knowledge—outside knowledge, of course. A great many of them were educated in the United States. But the country people, a great many of them, can not read nor write; a great many of the negroes can not read nor write; a great many can. I have a servant, a white Cuban, who is the most ambitious fellow I ever saw to learn. He could read and write. I also had a negro, the cook, who was the same way—wanted to learn, anxious to learn, but never had an opportunity.

Q. Are there any private quarrels, or strife, or bickerings, among those people?—A. As far as this point of national freedom is concerned, they are all of one mind. Of course, take an army of soldiers, and little quarrels arise among the men, and are settled. Of course, if Gomez hears of it, they are punished, and put in the guardhouse, and tried by court-martial. General Gomez, after he has once issued a diploma to a second lieutenant or any other officer, can not break that officer or reduce him to the ranks except they are tried by court-martial. Gomez acts on the fine of the court-martial, and it is sent to the civil government, and they either approve or disapprove of findings of the court-martial.

Q. Are the private soldiers, in camp or on the march, protected by the right of the court-martial when accused?—A. Yes, sir; Gomez has no authority to punish a man; he does not pretend to punish without

a court-martial. I saw General Gomez shoot a comandante, kill him on the spot (rank of major), and the incident that brought that about would have caused the same in any army. I would have killed him myself, and I am an American. At the siege of Cascorra, Gomez had quite an army, about 3,000 cavalry and 6,000 or 8,000 infantry. The Spanish were out in force. Gomez had decided to annihilate the army, so far as Camaguey was concerned. He had intrusted a very important mission to a comandante, by the name of Meander, to carry his dispatches to the cavalry, about 5,000 cavalry, under different comandantes. It rested with him whether the cavalry should come into that engagement. He was to carry the dispatch. He started with it, but never delivered it. It developed afterwards that he was a sympathizer with the Spanish army, although a Cuban and holding a commission in the Cuban army. The result was that Gomez's cavalry never got into the fight, and the Spaniards got away into Puerto Principe. And when they met, Gomez asked him if he delivered the order, and he said he did not, and the general drew his revolver and shot the man, killing him, and sat down and wrote to the civil government.

By Mr. CLARK:

Q. Does there seem to be a lack of unanimity and authority in the different corps commanders?—A. Not as much jealous feeling as I have seen in my own corps in the United States Army. The more ignorant a man is generally the more that will creep in, but I never saw anything of it with the Cubans. Take it in the case of myself. I was appointed a captain in Gomez's escort, where they are all officers, appointed over the heads of old Cubans who have been in the service for years—some of them with him in the ten-year war—appointed second in command, jumping over all the others, and there is no jealousy of me.

Q. About what is the strength of that escort?—A. From 70 to 90.

Q. All officers?—A. Yes, sir. With the exception of myself, there is no man in it who has got in except through some special act of bravery. They are General Gomez's bodyguard. He goes into an engagement, and they are first into the fight and the last to leave, and, by reason of that, I know they have from 10 to 15 or 20 in the hospital, and they have nearly all been wounded more than once. I have never been wounded except the once.

Q. What is the strength of this Victoria Regiment?—A. When it came into Las Vegas it was 142; when I left there, the other day, they were all, with the exception of 38, in the hospital, wounded.

Q. In the hospital from wounds?—A. Yes, sir.

Q. Not from sickness?—A. No, sir. A Cuban soldier seldom goes to the hospital from being sick. I have never seen one in the hospital from sickness since I have been on the island.

Q. Have you seen Cisneros and the members of the civil government since you have been there?—A. Yes, sir; a great many times. The president is very much a friend of mine, as is also the assistant secretary of war, Portuando, although the secretary himself is there now.

Q. Have they any permanent headquarters?—A. At what they call Nahassa, but Cisneros Batoncourt, the president—you can not keep him anywhere. If they would allow it he would be in the fight, and he wants to be near where the fighting is anyway. He is an old man—about 80 years old. Their headquarters is at Nahassa.

Q. The same place you call Cubitos?—A. It is in the vicinity. Nahassa is a very level piece of country, a beautiful river running through it, and fine grass for the horses. Cubitos is a little back of it,

and is a place supposed to be used by the government in case of an emergency, because it is deemed impregnable.

Q. A retreat for the government?—A. Yes, sir.

Q. Does he move over the island whenever business calls him?—A. Yes, sir. He has a bodyguard of about 200 men, used as the bodyguard at night and as an advance guard in the daytime. When the Cubans went across the trocha he went along with General Gomez, and stayed there until Gomez told him he wanted them to go back. Gomez would not do any fighting while the government was there, for this reason, because he says I am afraid to fight while you are here. I do not want any of the government killed or captured, and I am nervous when you are around me, and can not fight, and Cisneros pulled up stakes and recrossed the trocha.

Q. Does the cabinet travel with him?—A. His entire cabinet and corps of clerks. A record of everything is kept that transpires on the island, of the civil government, the troops, everything. The impedimenta is something immense. That is why Gomez does not want them with him. Gomez does not have any impedimenta; he is strictly a cavalry officer, will not allow his officers even a pack mule, and does not have anything of the kind himself.

Q. I understand there are not many roads in Cuba on which large bodies of men can move.—A. There is El Rey, called the royal roads, on which Spaniards move, but they never leave them. The Cuban army goes everywhere. The only time General Gomez travels these royal roads is when he wants to fight the Spaniards. But the Spaniards never leave these roads, except at night, to go into a savannah—level piece of land near the road—to go into camp.

Q. Are there many of these royal roads?—A. Yes; two or three extend the whole length of the island. There is a picture—some of the Cuban soldiers and myself; you can see that they are not naked.

Q. Describe the killing of Gordon.—A. When I got to Cienfuegos I heard that there was an American who had been killed. I was in disguise, or at least traveling under a fictitious name, and had got through at Trinidad. I knew Gordon was in that vicinity, and I was afraid it was him. He was from New Jersey, and we had been great friends. He had been in Gomez's camp a great deal, when he was wounded with Maceo. I hung around there and went up to the barracks where the soldiers were, and I saw a detail coming in. There was another American with me by the name of McCurtney, a boiler maker. I saw a Spanish sergeant get off his horse and he swung over his shoulder a saddle blanket, tied at the corners. There was a broad sidewalk running by the barracks, and he kept hold of one end and threw the others out with a jerk, and there were either eight or nine pieces of a man's body. The head was cut from the body, and some one had run a machete into him and disemboweled him. I recognized his head at once; he had a very prominent scar on it. The Spanish officers were laughing and joking about it, and kicked this limb and that piece, and at last, after ten or fifteen minutes, the comandante told the sergeant to pick it up and bury it, and they gathered up the pieces in the blanket and went to the rear of the barracks and buried them; covered it with earth to the extent of 6 inches, perhaps.

Q. Do you know whether Gordon was killed in a fight?—A. All I know is from hearsay. A pacifico who claimed that he witnessed it told me that they had wounded him, and that he fell off his horse—they had laid an ambuscade for him—and as they came up to him he said to them, "Take me a prisoner. I am an American, but in the

Cuban army; take me a prisoner." But they simply laughed at him and killed him with their machetes.

Q. Was that in regular fight?—A. No, sir.

Q. How many were they?—A. There was but one with him, I presume his servant.

Q. You say this was in Las Villas, Cienfuegos?—A. Yes, sir.

Q. On the present journey?—A. Yes, sir.

Q. Coming back to the roads of Cuba and the fact that Cubans pass across the country in any direction they please. I presume you mean that they can and do pass across the country, having an intimate knowledge of it, without reference to roads?—A. The entire island is one network of what we would call in this country trails.

Q. They know these trails and travel anywhere?—A. Yes, sir.

Q. The Spaniards do not?—A. No, sir; they dare not. If they had, this war would have been ended long ago.

Q. They are obliged to move that way?—A. I do not say they are obliged to, but they do.

Q. Outside of the large cities is there any permanent occupation?—A. No, sir. The situation on the Island of Cuba is simply this: The Spaniards control the large fortified town; the Cubans control the country entirely from one end of the island to the other. Without exception that is a fact.

Q. I wish to get some information; I am not certain we ought to publish it. You have been speaking about the postal system, and couriers that pass from one of these posthouses to another. Is there such a thing in Cuba as a coast guard?—A. I do not know but that I am saying something that may hurt them. There is a continuous guard of armed men around that island, called the coast guard. They are fully armed with plenty of ammunition.

Q. About how many men?—A. I presume in that coast guard, about 5,000 men. They fight if necessary, but it is a complete chain of guards. Now, there are several reasons for that guard. The Cuban government has a perfect line of communication, as I say, all through the island. They also have a perfect line of communication with the United States, and that coast guard is for that purpose; one thing also is to watch the water for expeditions. Another thing is, our salt all comes from this portion of the coast, where they have their salt depositories, where it is manufactured. Nearly all the salt is secured by boiling down the salt water of the ocean, and from the manufactories is taken to the interior on pack mules.

Q. Does that coast guard keep up communication, each with the other?—A. Yes, sir; they are around the entire island. In speaking about the guard, I do not mean that they are right close together, just a few rods apart, but a coast guard has two or three or four leagues to march, when he meets another coast guard, and they march back and forth and patrol the coast, on the same system that the English Government has up here in Manitoba a mounted police.

Q. I suppose this mounted police or coast guard gives notice of the approach of expeditions?—A. Yes, sir. The moment an expedition approaches the land, or anywhere near it, notice is immediately sent to the nearest force in the interior, and they send a force down to help get it up into the interior.

Q. Where are the Spanish depots of supplies?—A. Santa Clara, Havana, Santiago de Cuba, Pinar del Rio, Cienfuegos, Matanzas, all seaport towns, and Cardenas. Nuevitas is the seaport town for Puerto Principe.

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these trochas?—A. They have not spent much money. They make their soldiers build them, and they don't pay the soldiers.

Q. I was trying to get at the question of military transportation on those trails and royal highways. The Spaniards keep their main depots of commissary stores and quartermaster stores in these large central points on the seaboard. Do they have any in the interior?—A. No, sir; we wish there were. There are certain places through the island where the Spaniards have established forts. The rations of the soldiers of these forts are taken by convoys, but these forts are all established on the royal roads; I never saw one away from the royal road.

Q. Those commissary depots and quartermaster depots are supplied by railways that run between these different points on the coast?—A. Yes, sir.

Q. When an expedition leaves one of these large fortified towns to hunt up Gomez and his forces, do they take supply trains with them?—A. No, sir; I have never seen a Spanish column come out and stay more than five or six days. They only have supplies as they can take in their saddlebags.

Q. Then they go back?—A. Yes, sir.

Q. Can they depend on the country for forage?—A. No, sir; they never get anything from the country. Well, they do cut down palm trees and use their tops, but we can not help that. But they don't get any vegetables or beef. Just the moment Gomez gets news that a column has left Sancti Spiritus or any other fort he marches toward that column and they meet. I have never known Gomez to lie idle when there was a Spanish column out; when they meet there is a fight right off. At night the Spaniards halt and Gomez retires a mile or so. The Spaniards dare not put out a picket at night; their only guard is in their camps. Just as quick as dark comes Gomez details an officer with 15 or 20 men to keep that camp awake, firing into them all night, and then at daybreak Gomez attacks the camp, and so on, and they are fighting all day and night, and so on. Whenever they go into camp there are 15 or 20 men more keeping them awake all night, and the result is that the Spanish troops are exhausted and obliged to return to the town for rations or from fatigue.

Q. The Spanish commanders are obliged to go back for provisions?—A. Yes, sir.

Q. Is the Island of Cuba, in the places where not cultivated, heavily timbered?—A. Yes, sir.

Q. Forests dense?—A. Yes, sir; some of the finest forests the eye ever saw; thousands upon thousands of acres of the finest mahogany, stretching as far as the eye can see.

Q. Are the forests dense, thick?—A. Portions are, but no portion where the Cubans have not trails through them.

Q. Those forests furnish excellent protection for what we call guerrilla fighting?—A. Yes, sir; if you are going to order a piece of land made especially for guerrilla fighting, you could not do better.

Q. In the mountainous country are the mountains very high?—A. In some places they are very high. They resemble the foothills of our Rocky Mountains very much.

Q. There are many places where it is easy to fortify and protect a small force against a very large one?—A. There are places in that island they could go into and hold the entire Spanish army at bay, a very few of them.

Q. You speak of Garcia having the entire artillery strength of the Cuban army. What is the artillery strength?—A. I think 14 cannon.

That includes those two dynamite guns, that kill at both ends. That is about all the strength in artillery. They have not a great deal of cannon ammunition; it is hard to get. You can get it there all right, but often these expeditions do not come near to the shore by a league, and you have to take it ashore by a rowboat, and it is heavy and hard to get ashore. The shells come six to a box, and of these boxes you can not put more than two in a rowboat.

Q. How do they take the ammunition into the interior?—A. On mules.

Q. How is it done?—A. The guns are taken off the carriage and packed on mules. Three mules carry the outfit.

Q. The caissons are carried the same way?—A. Yes, sir.

Q. Can you make time that way?—A. Garcia's army will make about 6 or 7 leagues a day.

Q. Leagues?—A. Yes, sir; 18 to 21 miles. Garcia has the finest equipped army on the island. His chief of staff is General Menocal, a very good engineer, who speaks very good English. He has organized an engineer corps; he has got a signal corps; he has got his cavalry and his artillery, and his engineer corps is pretty fine, too. It is right up to date. Anyone who ever told me before I went down there that the Cubans had a good engineer corps I would have laughed at him, but it is true.

Q. Has Gomez a good map of the island?—A. Yes, sir; nothing like this map; this is entirely wrong. He has maps with each Province separate, giving all the little towns and roads and trails.

Q. His people being natives, he has as many guides as he wants?—A. Yes, sir; we have no trouble there with practicos.

Q. That is a guide?—A. Yes, sir.

By Mr. CLARK:

Q. What is the relative strength of the Cuban army as regards infantry and cavalry?—A. About three-quarters of it is infantry. Gomez is strictly a cavalry officer; infantry moves too slow for him. He is a good deal such a person as General Custer was, although I did not know General Custer. Infantry and artillery he can not march with fast enough.

Q. How is his health?—A. He has not seen a sick day since I have been there. To illustrate, General Gomez called me the morning I left there, and said "I want to speak to you. There have been false reports, and some may say to you that I have been sick." Gomez is a man over 70 years old. He put his hand on the pommel of his saddle and vaulted right over, and put his other hand on and vaulted right back again. He said to me, "You do that," and I told him that I had business elsewhere. "A sick man can not do that," he said. The army numbered a little over 40,000, and they can put in the field a little over 60,000 men. Of course every expedition landed there would increase the numerical strength.

Q. When you speak of 40,000 men armed, are they well armed?—A. We consider the Remington a pretty good arm, and that is what they have, except General Gomez's escort, who are armed with repeating rifles, nearly all armed with Mauser rifles, captured from soldiers who have come in or been captured. There is hardly a day that Spanish soldiers do not come in and surrender. When I was on my way here I met 14 soldiers who were on their way to surrender. The Spanish soldiers fight as though they had been lassoed and brought there and forced to fight against their will. The soldier does not fight with any energy or

vim. They say "What do we care for this Island of Cuba; it never does us any good, or never will." But they are forced to fight, and they are mostly boys from 16 to 21 years of age.

By Mr. MORGAN:

Q. Do those boys do that butchery?—A. Under command of their officers. They are well disciplined. I will say that much for the Spanish soldiery. They are the best disciplined soldiers I ever saw. I have seen a Spanish officer kick a man and throw him down and jump on him with both feet, and he never say a word or growl or grumble.

Q. I will ask you one question as to General Gomez's character. What do you think of him as a man of talent, energy, honor, humanity, and courage?—A. He is well educated, has done a great deal of studying and reading in his life, a man that is firm, stanch, true friend, a bad enemy, but a just man at all times and on all occasions. I think that is General Gomez's character to a letter. I would not want him for an enemy.

After examining and correcting my deposition as above, I sign the same under oath.

WM. D. SMITH.

**STATEMENT OF GEORGE BRONSON REA ON THE 11TH DAY OF  
JUNE, 1897.**

Mr. REA was sworn by Mr. Davis, chairman of the committee.

In the absence of Senator Clark, Senator Davis acted as a member of the subcommittee.

By Mr. MORGAN:

Q. Please state your name, age, and place of birth.—A. George Bronson Rea; 28 years old; born in Brooklyn, N. Y.

Q. What is your occupation?—A. Newspaper correspondent; also electrical engineer.

Q. Have you ever been in the Island of Cuba?—A. Yes, sir.

Q. When did you go there, and for what purpose?—A. I went there first in 1890, to take charge of the Matanzas electric-light plant; was on the island about four and a half years, until the breaking out of the war, engaged in putting up electric-light plants and machinery.

Q. When did you leave there?—A. About two months ago, finally. On the 18th of January last year I went to the field as correspondent of the New York Herald and joined General Gomez.

Q. Where did you find Gomez?—A. I found Gomez at the sugar estate of San Antonio de Pulido at Alquizar.

Q. What province?—A. Havana.

Q. Have you been with him continuously until you left the island?—A. No, sir; was with him about one month, then joined the forces of Antonio Maceo. I joined after the first campaign in Pinar del Rio, stayed with him some time (six months), and then returned to Havana, and, watching my chance, managed to slip through the Spanish lines, and came home in October last.

Q. Where did you embark?—A. At Havana. I went back in January of this year as war correspondent of the New York Herald, and came home about the middle of April.

Q. At what do you estimate the force of Gomez—I mean all the forces of the insurgents in Cuba—at the time you left the lines?—A. It is a rather difficult thing to figure accurately, but with a little compilation a very fair estimate could be made. At the time I left Gomez he had about 150 men under his personal command.

Q. His escort?—A. Yes, sir; his escort and the Victoria regiment. They each comprised about 80 men. The escort has about 80, and the Victoria regiment also about 80, approximately.

In the Province of Santa Clara his forces are divided into two divisions and various regiments—in one minute I can give the total accu-

rately. This recent campaign of Gomez in the eastern part of La Villas has been carried out by the first division of what they call the fourth army corps, divided into three brigades: The brigade of Remedios, about 800 men; the brigade of Sancti Spiritus, about 600 men; and the brigade of Trinidad, about 400 men. There are three more brigades, composing the second division: That of Cienfuegos, about 500 men; the brigade of Sagua, about 400; and the brigade of Villa Clara, probably 500 more. That is all in that province. In the province of Matanzas there are very few insurgents; indeed, I think they could be safely estimated at about 400 or 500 men in the whole province. In the province of Havana, probably at the present time there are 2,000 insurgents. Last November—or October, I meant to say—I was down in the province of Havana about one month or a month and a half, and then there were about that number, and the force has not augmented. Contrary to all stories as to their number, the force has not increased. I left Maceo in Pinar del Rio with 6,000 men. The number of men in the eastern part of the island is—what I have said already in regard to the western part can be relied on, but in the eastern part of the island I would not like to give any testimony to be depended upon as accurate—as to my opinion as to the number of men, there are, I should judge, probably about 4,000 or 5,000 men in the two eastern provinces.

Q. What provinces?—A. Santiago de Cuba and Camaguey. The total I have not figured, but in my estimation they do not exceed 25,000 armed men on the island.

Q. Under whose command is the eastern army?—A. The department of the east is under command of Calixto Garcia, divided into three corps, and subdivided into brigades and regiments.

Q. You have never been with Garcia?—A. No, sir. I never have been in the eastern provinces. I have been all through Pinar del Rio, Matanzas, and Havana—

Q. As a soldier?—A. No, sir; as a correspondent of the New York Herald.

Q. You were not engaged in fighting?—A. No, sir; but I have witnessed some eighty fights, not to mention skirmishes, and have had two bullets through me. I was with Maceo during that second western campaign, and joined Gomez after the invasion.

Q. You was not with Maceo when he was killed?—A. No, sir: I was in New York, but I have seen those who crossed the trocha with him and witnessed his death—Gordon, who was killed, Pedro Diaz, and the servant of Maceo—all who knew most of the details.

Q. How did you get through the trocha?—A. By way of the swamp. I was just showing a picture to Senator Davis—as I saw you were interested in Mr. Bonsal's description of the torcha—I wrote an article last year in regard to it. We were two days in the swamp waiting to cross, and finally, under cover of darkness, we managed to elude the vigilance of the sentries and sneak across. There is a great deal written about that trocha in Pinar del Rio, but there is not one man in a dozen who has ever seen it.

(Mr. Rea here exhibited to the subcommittee a drawing showing a portion of the southern part of the trocha.)

That is the part of the trocha that goes through the Majana swamp. Here is a map I drew of that country down there from actual experience. The trocha runs from Mariel south to this swamp, across the narrowest part of the island, about 21 miles, or 7 Cuban leagues. From Mariel to Guanajay the trocha runs along the macadamized road, which

they have taken as a basis from which to operate and on which to build. From Guanajay to Artimisa it also runs along the macadamized way, and they have these forts scattered all along, and in front of the road to the trocha (the vanguard, as the Spanish say) there is barbed wire fence, and still farther in front they have sown cactus and other thorny plants to prevent cavalry crossing. From Artemisa south, which is probably the strongest part of the line, the trocha leaves the macadamized road. The road passes through Mangas and continues to Candelaria. The trocha runs south through the sugar estates of Waterloo, Sn. Leon, Neptuno, and Maravilla. Neptuno is the headquarters of the southern division. Here is where it enters the Majana swamp. This is the only place where the insurgents have ever crossed that trocha. I can say, in this part of the trocha—

By Mr. DAVIS:

Q. Which part, south part or north part?—A. From Mariel to Neptuno—the entire part on dry ground—there has never been an insurgent force or party known to cross, except two who made a dash and crossed it. In this part (the southern) the crossing is made in the swamp through the mud and water. I was in mud and slush up to my neck, and Maceo crossed the trocha in this little bay (of Mariel) in boats, the same as Sylvester Scovel did when he crossed westward.

By Mr. MORGAN:

Q. Going east or west?—A. Going east. (Here I referred to my own trip.)

Q. Where was Maceo when you joined?—A. In Havana.

Q. When?—A. In February, 1896.

B. Did you cross the trocha with him to Pinar del Rio?—A. The trocha was not made when we crossed into Pinar del Rio.

Q. Was it in process of construction?—A. No, sir; they started to construct it after Maceo was in the province, with the idea of catching him in a trap, so that he could not get out.

Q. How many men did Maceo take?—A. About 5,000 men when he entered Pinar del Rio.

Q. Where are those men now, or when you left the island?—A. I suppose most of them are there.

Q. In Pinar del Rio?—A. Yes, sir; perhaps some of them crossed the trocha and got back. I suppose there may be 5,000 of them there now, of the 6,000 he had with him.

(NOTE.—There was probably 1,000 there under Bermudez, Sotomayor, and others when he entered.)

Q. You say they got across the trocha through the swamp?—A. Yes, sir; I know they couldn't get through any other way.

Q. Did you cross that trocha?—A. Yes, sir; I crossed that trocha.

Q. Through the swamp?—A. When we entered Pinar del Rio we did not cross through the swamp. There was no necessity of doing so. The trocha was not established at that time.

Q. How many men were with you when you crossed?—A. About 19.

Q. Who were you going to report to?—A. I was trying to get home.

Q. After you got through, you did go home?—A. Yes, sir.

Q. By what route?—A. I came through the southern part of the Province of Havana to San Jose de las Lajas. I was a month and a half in the Province of Havana before I saw my opportunity to get to Havana.

Q. Your opportunity to get through the Spanish lines or the Cuban lines?—A. Through the Spanish lines.

- Q. You witnessed some battles after you got back?—A. Yes, sir.
- Q. Who was in command?—A. General Aguirre.
- Q. Where is he now; was he killed?—A. He is dead. He died a natural death in December.
- Q. How near did he approach Havana while you was in his company?—A. About 20 miles.
- Q. What place?—A. At Tivo Tivo; between San Miguel and Campo Florida.
- Q. About what time was it when you left Aguirre and came on home?—A. About the 1st of October.
- Q. When did you go back to Cuba?—A. In January of this year; left here on the 13th of January.
- Q. Have you seen Gomez since you went back?—A. Yes, sir.
- Q. Where did you meet him?—A. When he was besieging the town of Arroyo Blanco, on the 28th of January.
- Q. How long did you stay?—A. I stayed with Gomez one day; wrote my dispatches, and got them off, and was back there again in about two weeks, and was with him three different times afterwards.
- Q. How did you get through the Spanish lines on these different occasions?—A. The first time I started for the field I left Havana with the credentials of the New York Herald in my pocket, and also a military pass signed by General Arderius, which I have in my pocket now, giving me permission to go with the Spanish columns. It did not say which columns, but only said the column in operation in the field. The last time it was simply a question of luck in evading Spanish vigilance, because the Spanish spies were after me very hot. I managed to shake them off at Trinidad, under pretext of going to a sugar estate.
- Q. Were the Cuban spies ever after you when you left their command to go into Havana?—A. Not that I know of.
- Q. You came and went, so far as they are concerned, with freedom?—A. Yes, sir; so far as I know.
- Q. As far as the Spanish were concerned, you were watched?—A. Yes, sir; I suppose, if caught, I should have suffered the fate of Govin.
- Q. What did they do with him?—A. They chopped him up.
- Q. Have you any knowledge of that?—A. Yes, sir; no personal knowledge, but I saw his grave four days after he was killed—no, it was in the neighborhood of two weeks after.
- Q. Where is your information derived?—A. I derived my information from two persons who were with him; one Lieutenant-Colonel Mirabal and the other Colonel Gordon—both dead now. They were in a fight between Major Valencia, who had 60 or 80 men, and the Spaniards under General Ochoa from Jaruco. It took place near the sugar estate of Jiquiabo, and, as generally the case in a little fight, the Cubans, after firing a few volleys, got out of the way, and Govin, never having been in a fight before, found himself alone and the Spaniards very close to him. They told me that Govin, when he saw he was to be captured, walked forward to meet the Spanish column to surrender, hoping his American citizenship would help him in this case; but it seems that his papers—parties told me who said they were watching and saw it done (but I do not attach much importance to the statement myself, because I never saw a Cuban that would stay near a Spanish column long enough to watch much)—but they said the papers were torn up and thrown in his face, and he was tied to another man and taken to San Mateo and kept there all night, and the next morning as they were lead out to march to Jaruco he was untied from the other prisoner and fastened to a tree and chopped up with machetes, and two days after, his

body being left there, Lieutenant-Colonel Mirabal and Valencia who were looking, as they generally do, for anything left on the ground, or for dead people, found the body and carried and buried it at the end of a potato field, which spot they showed me. I have no doubt Govin was foully dealt with, and I have no doubt the cause was that he was an American.

Q. What was Govin—a correspondent?—A. This is information I have heard—I never met Govin, and while I am in sympathy with him, I understand he came with this expedition, and while he had these papers as correspondent of the Jacksonville Equator-Democrat, he was nominally an insurgent, and from what I can understand he carried a revolver.

Q. Did you carry a revolver while there?—A. No, sir; excuse me, I did carry a revolver for about two weeks, but never used it. I obtained it for one of my servants, and when I had carried it a couple of weeks I gave it to him.

Q. Where were you?—A. In Pinar del Rio.

Q. Did you carry it for protection against the Spaniards or against the Cubans?—A. I never carried it for protection. So far as that goes, or far as the Cubans were concerned, I was treated very well, and as far as the Spaniards were concerned, I could get out of the way when they came by following or keeping up with the Cubans.

Q. You never engaged in hostilities at all?—A. I never engaged in hostilities; no, sir. I directed Gomez once how to burn out a locomotive, and that is all. I took no actual hand in it; I told the old man how they could do it, and men—Cubans—went to work and did it. That is as far as my experience in helping the insurgents has ever gone.

Q. What do you mean by burning out a locomotive—destroying it?—A. Yes, sir. If the water gets low and the fire is kept going, it will burn out the tubes and then it will not stand the pressure.

Q. He had captured the locomotive, and wanted to destroy it?—A. Yes, sir. He asked me how to do it—he knew I was an electrical engineer—and I gave him the benefit of my experience.

Q. Did you give him the benefit of your experience in firing dynamite shells?—A. No, sir.

Q. You knew how to do it?—A. Yes, sir.

Q. Did he ever ask for your assistance?—A. Maceo intimated as much to me once or twice, but I thought I was not there to do that; I was there as a neutral, and it was not my business. They have had a few foreigners come there to show them how to blow up railroad trains and use dynamite cartridges, and they have treated them badly, in such a way as to disgust them and drive them away.

Q. I understand from your statement that both Gomez and Maceo inspected your neutrality.—A. Yes, sir.

Q. Did not compel you to do anything you did not wish to?—A. No, sir.

Q. Who were these men who were badly treated?—A. I remember the powder maker—I do not know anything of him myself; this is hearsay. A powder maker came to Gomez. He may have been an adventurer, but he was well versed in explosives and could have been of great benefit to the Cubans. I know nothing of what was done, but he was disgusted and had to get away. There was also a Frenchman from Havana, who came out to manufacture dynamite, and finally he did make a couple of bombs and wanted to blow up a railway train, but they were jealous because he was going to get some glory and only sent a small force of 18 men to assist him. He exploded the bombs,



and when the engine went off the track they had a couple of hand bombs which they were to throw into the train, but when the engine was derailed and the Spanish soldiers poured out of the cars the Cubans got scared and ran away and left the Frenchman alone. He got away safe, but was disgusted, and left them.

Q. That was the bad treatment?—A. Yes, sir.

Q. There was no personal bad treatment?—A. No, sir.

Q. Twenty men were not expected to capture any considerable force, were they?—A. No, sir; but they had two big hand bombs prepared—it was in a cut in the railway—and as the first bomb was exploded and the train went off the track and the soldiers began to come out they were to throw these bombs and blow the soldiers to pieces.

Q. You said that the Frenchman was not captured.—A. No, sir; he got away.

Q. A while ago you stated, if I understood you, that if these men, the Spaniards, had caught you while you were slipping through the lines they would have treated you as they did Govin.—A. Yes, sir; if they had caught me in the field, I believe they would. I was virtually an insurgent, as I had violated their military laws. Most any army would have treated a man in that way. They might not have killed me, but might have sent me to Morro Castle. When General Weyler came to the island as Captain-General, he issued an order that all correspondents should be prohibited from going into the field. I was in the field already, but he had such a bad reputation that one would feel a little bit uneasy about it after getting into his hands. I rode into Havana on the stage coach, and as luck would have it nobody said anything to me.

Q. You road into Havana on a stage coach?—A. That was the first time—last October. I got on the stage coach that runs to San Jose de las Lajas, about 20 miles out—I should say 20 kilometers.

Q. Was that in the Spanish lines?—A. It is called the Spanish lines, but the highway runs through the open country. I got on the coach at the home of a friend of mine—

Q. Where are the Spanish lines?—A. The Spaniards do not have any force in the open country. They have their garrisons in the town—

Q. You mean at the fortified towns?—A. There are no unfortified towns.

Q. The trocha is in the Spanish lines?—A. Yes, sir. What is understood as the Spanish lines. The Spaniards have the forts and the fortified towns. All the towns not fortified have been burned and destroyed either by the Cubans or by the Spaniards. Cubans started the ball rolling by burning several towns, and the Spaniards evacuated many of the small towns that they considered were no value to them to hold and burned them.

Q. You only know that definition of the Spanish lines?—A. The only definition is in the fortified towns and along the trocha.

Q. Along the trocha?—A. Yes, sir.

Q. Outside the fortified towns the country would be denominated as in the Cuban lines?—A. Hardly, as the Cubans have no lines. The Cuban lines depend entirely on the close proximity of the Spanish column. The Cuban is here to-day and there to-morrow. The Cuban is in this place, and if they hear of a Spanish force coming they cut it and get out.

Q. That applies also to the Spanish?—A. Yes, sir; it applies equally to one as to the other.

Q. The country is disputed ground?—A. Yes, sir; neither one is able to hold it.

Q. You would say that the provinces in the east of Cuba are in the Cuban lines?—A. Yes, sir; in this way: In the campaign of General Weyler last year he paid all his attention to Antonio Maceo, and continued to do so until recently, or up to January. He started in to annihilate Antonio Maceo, and it took up the best part of his time and attention. When he got through there (he did not pacify the country, the insurgents are there to a large extent yet), then he took up Gomez in the province of La Villas. That left the province of Santiago de Cuba and Camaguey to one side, but if Weyler starts to operate in those provinces the conditions there will be the same as in the west.

Q. Until he does they are not the same?—A. He has recently started. I picked up a paper the other morning stating he had issued the reconcentration order for the eastern provinces. There is one thing, the provinces of Matanzas, Pinar del Rio, and Havana are largely under the Spanish control, because they are aided by the railroads. They have means of transportation and communication, and little towns are scattered all through this country. Every little black spot on this map represents a fort. In the provinces of Santiago de Cuba and Camaguey there are no such towns. Even before the war it was a very sparsely settled country. There are no railroads, practically. A small railroad runs from Puerto Principe to Nuevitas, and one runs up to Sancti Spiritus from Tunas, and there are but a few small towns scattered through these provinces. The large towns of importance have been fortified and successfully held by the Spaniards, but there was no necessity of expending a large amount of money in places where it was not worth the expense.

By Mr. DAVIS:

Q. Why do they not do it in one part of the island as well as in another?—A. That is because they have the railroads to help them in the west.

Q. In one place they can and in another place they can not?—A. They owe their superiority to the fact that they can readily communicate in the western provinces. At every other town or so there is stationed a Spanish operating column that goes into the field looking up the insurgents. These operating columns are established about 10 or 12 miles apart, and they operate each in its own zone, and when they find an insurgent force, by the sound of the firing the other columns are attracted to the scene, and the Cubans can not stay and fight, because they would be annihilated if they did. In the eastern provinces the Spanish can not do that, because the towns are small and few and far between. Where Gomez is operating at present there is no town except Arroyo Blanco, 14 leagues from Sancti Spiritus, and the Spaniards are compelled to come out in force because they have no place to rest until they reach another large town, and the Cubans have a chance to harass them by bushwhacking and constantly harassing them.

By Mr. MORGAN:

Q. How many fights have you been in, did you say?—A. More or less, about 80; not counting little shooting scraps.

Q. How many?—A. About 80, not counting shooting scraps.

Q. In how many battles have the Cubans held the ground?—A. I have only seen the Cubans advance twice.

Q. I only speak of holding the ground.—A. They may hold the ground temporarily—for one minute or ten minutes or fifteen.

Q. I mean after the battle is over.—A. They generally come back after the Spaniards give up the pursuit.

Q. After the pursuit?—A. Yes, sir. I was with Antonio Maceo in those fights around Tapia, and we had about a dozen of them, hot and heavy. He would wait until the Spaniards came up, and from one hill-top he would hold them back until they grew too strong for him and then retreat to the next hilltop, going back and back until the Spaniards would give it up after a while and retire, getting tired of the conflict.

Q. When they got tired, Maceo would come back?—A. Yes, sir.

Q. Who would win the battle?—A. I would call it a draw. There is one strange thing about it; I rarely saw a Cuban killed. The largest loss suffered by the Cubans was 15 killed and 84 wounded.

Q. When was that?—A. At the night attack on La Palma, in Pinar del Rio, March 31 of last year.

Q. What was the loss of Spaniards in these same fights?—A. In the ordinary fighting, very little difference.

Q. In the heavy fighting?—A. I think the heaviest loss of the Spaniards was in the battle of Cacarajicara, in Pinar del Rio.

Q. Well?—A. Their loss was variously estimated at from four to five hundred killed and wounded.

Q. What has been the comparative loss?—A. About equal. Probably the Spaniards have suffered a little more loss, owing to a certain reason in regard to the bullets. The Cubans are armed almost entirely with the Remington or these little sporting rifles, using the old leaden bullet, which, when it strikes a bone, "mushrooms" and causes a fracture, and with the Spaniards when sent to the hospital it is a grave case. With the Cubans it is different, as far as their wounds are concerned. The Spaniards use the Mauser rifle, and these bullets when they go through do not break or injure the bone. I had a wound where the bullet just scraped the bone.

Q. Did you go to the hospital?—A. No, sir. I have seen a man shot through the temple, and he is living, but lost his sight. It does not shatter the bone as the other bullet does. I think that will explain to a great extent why the Cubans have had so very few killed. And then the Spaniards shoot very wild. The Cubans are very bad shots and the Spaniards are worse, if anything. The Spaniards fire entirely by volley and at the word of command, the Cubans at will. The Spaniard goes into the fight with 150 rounds of ammunition, and the Cubans are lucky if they have ten. I have seen them with but two, and that in one of the largest fights they had. The Cubans claim they had but 1,200 rounds among 1,500 men, and yet the Spaniards counted it as one of the biggest fights of the war. The Captain-General was in command. Gen. Sabas Mariu was Captain-General in the interim when Campos went to Spain and before Weyler reached the island. At the present time the Cubans are fairly well supplied with ammunition.

Q. What is your estimate of the number of troops Spain has put into this war?—A. I had no means of knowing, except the statement of the Spanish that they number about 125,000 men.

Q. That is, troops imported from Spain?—A. Yes, sir.

Q. They had other troops there?—A. Yes, sir; the guerrillas, or volunteers, and the guarda civil.

Q. What is their strength?—A. I don't know.

Q. What is their reputed strength?—A. I could not tell.

Q. Five thousand, or 10,000, or 20,000?—A. The guerrillas alone, probably 10,000.

Q. That would make 135,000. Now about the guard?—A. They are included in the army.

Q. There have been 135,000 men put in there, then?—A. Yes, sir.

Q. Well armed?—A. Yes, sir.

Q. All the artillery they can take care of?—A. Yes, sir; there are very few columns that do not have artillery with them, especially mountain artillery; but my experience has been that the artillery was of no account. I have been with Maceo when they have shelled us for hours and nobody hurt. I have only seen two men killed by the explosion of shells during my experience.

Q. They sheltered themselves behind trees, elevations of the ground, etc.?—A. No, sir; I think it is because the gunners are at fault and the explosive power of the bursting charge is deficient. The radius of explosion is small, probably not over 25 feet.

Q. Do they use shell or shrapnel?—A. Both. We had about a hundred from the train that was captured at Pozo Redondo by Pedro Diaz, and they were shrapnel with percussion fuses.

Q. Can you account—this war has been going on for two years and a half or more?—A. Yes, sir.

Q. Have you any way of accounting for the fact that the Cubans—according to your estimate being only 25,000 strong—have been able to prevent the 135,000 Spaniards from running over and destroying them?—A. You can not lick a man if he will not let you, or if he runs away from you all the time.

Q. It is bounded by the sea on every side, and that is patrolled by the navy of Spain?—A. There are a great many hills and woods, etc. A body of 1,000 men does not take up much space. That is the reason Gomez has divided his men into bodies of about 150 men, so he can get into the woods.

Q. If his force does not shrink considerably, how long can he protract this struggle?—A. As long as he has anything to eat.

Q. What are his resources for feeding his forces?—A. When I left the Province of La Villas, two months ago, the eastern part, where Gomez is, had quite a large number of cattle, owing to the reason that it is a grazing country, quite the reverse to the western provinces, which are devoted to the culture of cane and tobacco. The eastern provinces of La Villas and Camaguey are devoted to cattle and grazing, the eastern part of La Villas especially. While he had plenty of cattle to last him, economically, for about a year, he had no potatoes, no vegetables, of any account.

Q. At what place had he none?—A. At Los Hoyos and Los Barracones.

Q. That is west of the trocha, in the eastern part of La Villas?—A. La Villas is not a province. When I speak of La Villas I mean the province of Santa Clara; it is commonly called La Villas by the Cubans.

Q. I am speaking of the resources of the provinces under Gomez's and Garcia's commands. What supply of provisions have they?—A. I must give you that information just as I have it from people in the field—people who have come from there. In the province of Santiago de Cuba the cattle have almost entirely disappeared; in fact, I learned that before I left Cuba last year the cattle were almost gone. They never had many cattle there. It is a hilly and mountainous country, almost all coffee plantations, and the insurgents are living on yucca, malanga, and other roots. We find the reverse in the province of Camaguey or Puerto Principe. There they have plenty of cattle, owing to the fact that before the war it was a grazing country, and cattle was

the principal support of the people. There are plenty of cattle still that could be made, with economy, to last a long time.

Q. Under whose control?—A. Under both Spanish and Cuban; that is, the Spanish around Puerto Principe have a large number corralled, but the majority are in the hands of the Cubans.

Q. Now, east?—A. In the eastern part of the province of Santa Clara there are still quite a number of cattle and a few vegetables.

Q. Farther east?—A. Farther west?

Q. No; farther east.—A. Farther east? You mean west. I have taken the two eastern provinces. First comes Santiago de Cuba, Puerto Principe, Santa Clara, and then Matanzas.

Q. Santa Clara, then.—A. In the eastern portion there are plenty of cattle, but no vegetables. There is a dividing line about the town of Sancti Spiritus. To the west of that we find a range of mountains called the Trinidad Hills. These hills have always been supposed to be a stronghold for the insurgents, and that they had a large quantity of vegetables planted there. I was under that impression until I traveled through these hills. But, owing to the fact that Gomez had taken all the men out of the district, the Spaniards had invaded them and marched around at their pleasure, and when I made my last trip through the hills I could get nothing to eat—practically nothing to eat—just beef, and that had to be taken from the corrals near the Spanish forts. This statement is borne out by Captain Smith in his statement to me that in the camp of Rodriguez at Polavieja, situated near Trinidad, he had to eat mule steak, which shows that the cattle has practically given out. In the northern part of this province, near Sagua la Grande, there are very few cattle, and their chief subsistence is vegetables.

Q. Let us go to the west.—A. The province of Matanzas. I have very good authority in stating—I have it from the last man who made that trip across the province in February, Maj. Charles Gordon, an American, on whose word I place every reliance. He told me that in the province of Matanzas there are practically no insurgents. There are very few and they have taken refuge in the swamps, and subsist chiefly on a species of jutia or raccoon, and crocodile-tail steaks; have no vegetables and no cattle. Whenever they wanted any cattle they had to go to the nearest Spanish town and take them from the Spaniards, and the same with vegetables. I have every reason to believe this, because in the province of Matanzas the insurgents have been very negligent in looking after their commissaries. They have been very wasteful, and besides they can not establish prefectos.

Q. Why?—A. Because the country is very open. They have a few in the swamps, but in the provinces of Havana and Matanzas it is practically impossible to hold a prefectora.

Q. You say it is open?—A. It is the open country of that island.

Q. Because the Spaniards hold the towns?—A. Because the towns are close together and the Spanish columns are continually on the move and there are no hills and nooks where they can hide themselves in any force, except along the southern coast in these swamps, which are terrible places to live in. The insurgents can not hold out in the province of Matanzas a day.

Q. Is it not a fact that they are holding out?—A. Well, if you want to immerse yourself in the swamp and stay there you are holding out, but you are not doing anything.

Q. But they are still there?—A. Yes, sir.

Q. The Spanish have not driven them out?—A. They have driven them off the open country where they ought to be.

Q. Why ought they to be there?—A. In order to subsist.

Q. They do not die, do they?—A. They are pretty sick; some of them with fever.

Q. They are sick with fever?—A. Yes, sir; in those swamps, the best acclimated man will get pretty sick.

Q. Was you sick?—A. Yes, sir; after being there awhile; that was what kept me back a time.

Q. You say you had to go to the cultivated zones to get vegetables?—A. Yes, sir; in the province of Matanzas.

Q. Did they get them?—A. Yes, sir; sometimes. Whenever they get hungry some of them go after them.

Q. It would be difficult to get the vegetables if the people did not have them?—A. Yes, sir.

Q. Is it not in those towns and around those zones that the people are stated by various authorities to be starving to death?—A. Yes, sir; I believe so.

Q. How do the Cubans get the provisions, then?—A. Because, I think, the starvation business has been exaggerated and overestimated.

Q. Who do you think has exaggerated it?—A. I think they have taken two or three small towns as an example of all the stations. The boniato, or sweet potato, will, if thrust into the ground, grow by itself. I have seen a field of them trampled into the ground by the Spanish cavalry, and in two or three months they have been there again just as plenty. Like the sweet potato—

Q. You think on account of the great propagating power of the sweet potato you can not believe the statements of those other men—A. Oh, no.

Q. You think it has been exaggerated, then?—A. Yes, sir.

Q. Have you been in these stations?—A. Yes; I have been at Trinidad, Cienfuegos, Santa Clara, Colon, Jovellanos, and Matanzas on my trip to Gomez last January.

Q. Why do you think it is exaggerated if you have not seen them?—A. Because of my knowledge of the country.

Q. If the people are hemmed in in the towns, and the order authorizing these zones of cultivation has been revoked, and they are ordered to be shot if they attempt it, you would not suppose the people would get much by going after them, even if the potatoes were plenty?—A. No, sir; I don't suppose they would.

Q. Suppose the worst for the Cubans, can not they plant boniatos; and when not assailed by the Spaniards can not they live?—A. Yes, sir; they can, and to a certain extent they do, but in the province of La Villas they have shown a wasteful spirit by eating all they have to-day and never giving a thought to to-morrow.

Q. Maybe they want to prevent Weyler from getting it?—A. The Cubans recognize, too, that they must have enough to eat if they want to wait until the United States intervenes and recognizes them.

Q. That is a pretty safe reliance?—A. I should think so.

Q. Pinar del Rio—how did you subsist there with 6,000 men?—A. I left Pinar del Rio last year, last October. The northern part of the province, from Mariel to a point called La Mulata, cattle had about disappeared. There were a few corralled in the hills by the Cubans. Vegetables had completely disappeared, except those planted around the Spanish forts. The cane fields had been burnt; there was not a stalk of cane standing. It was a devastated country in every sense of the word. This was not done by the Cubans, but by the Spaniards to take away the fodder for the Cuban cavalry, and the fire spr

in all directions; to the thickets, and palm groves, and everywhere else. Antonio Maceo sent every three nights an armed force of men with the impedimenta (two or three hundred unarmed men) down near Cabanas to bring the beniatos out, or, in lieu of that, they went to the zones of cultivation near the large fortified sugar factories La Linza and Bramales, between Cabanas and Bahia Honda, where there were also a few vegetables. In through the hills, at that time, Antonio Maceo had quite a large number of vegetables planted. He was a very practical man, who saw ahead more than any of the rest, and he took all the impedimenta, probably 1,500 men, and he set them to work planting sweet potatoes, so he must have had quite a sufficient supply to last him that campaign in the hills. Along the southern coast, or the part of Pinar del Rio lying south of the Cordillera, there was quite a supply of cattle, and, in fact, all south of the railway was grazing ground, and large cattle ranches were scattered throughout the country, but I should not think there was many cattle left at the present time, because the policy of Weyler, when he found that he could not corner the Cubans, was to destroy their means of subsistence; and all cattle found in the hills and on the plains have been killed.

Q. About how many troops had Weyler?—A. About 40,000.

Q. And Maceo about 6,000?—A. Yes, sir.

Q. It appears the Spaniards, then, were engaged in raising potatoes to feed Maceo's command, principally?—A. Yes, sir; in this case.

Q. Whenever they got out of potatoes they sent out and got them from under the fort?—A. That is right.

Q. If I understood you correctly, there was never a battle ground that Maceo's command did not return to after the battle was over?—A. No, sir; there were several occasions where he came back, especially in that country of Pinar del Rio, where the hills are. In the open country he never came back. I was with Antonio Maceo when he returned after the first invasion of Pinar del Rio and had so many big fights in Havana Province. There was where I joined him, and during the month or more I was with him in this section there was a constant succession of fights, one after the other, and we could not come back and camp where we were the day before. It was simply one continuous skirmish, day after day, moving from place to place.

Q. Take the country 30 miles around Havana, in every direction, is that much devastated?—A. I can only speak of the country lying to the east of Havana; I do not know much about that to the west.

Q. How is that?—A. Because I have not been near enough to Havana on the western side to appreciate the condition of the country. In the country to the east of Havana—I do not think there is any value to this testimony at present, because it covers my experience last October, and that is a little too old. At that time it was not devastated in any sense of the word, or if we compare it to Pinar del Rio. Fine houses were there yet, large sugar estates were still standing, and the majority of the people were well-to-do farmers, raising crops and sending their products to market; in fact, I came into Havana from the house of a friend who has a plantation near San Jose de las Lajas, an American citizen. I can not say that country was greatly devastated then, and, at present, I do not know the real condition.

Q. How far is Matanzas from Havana?—A. About 60 miles.

Q. How far is Guauabacoa?—A. I should judge it was not more than 3 miles, as it is within sight of Havana, and you can see the church towers.

Q. What important towns between Havana and Matanzas?—A. On

the line of the railroad is Minas (the first town where there is a military operating station), then the town of Jaruco, burnt by Antonio Maceo (another operating point), then the next important towns are Agucate and Madruga, and the one next to Matanzas is Ceiba Mocha. Then there are two or three other small towns in between.

Q. We have been informed by other persons who have been there that the concentration of the rural population has taken place at many, if not all, of these towns you have mentioned.—A. Yes; that is, to a certain extent. The Cubans initiated it. There was a partial concentration first, but it was on the part of the Cubans.

Q. How could the Cubans concentrate on the towns unless they had the occupation of the towns?—A. I mean they forced them into the towns. When the invasion reached the provinces of Havana and Pinar del Rio (I was in the island from the time the revolution broke out), when the Cubans reached these provinces, they found a large majority of the people living there were Spanish storekeepers, clerks, etc., many belonging to the volunteer corps (all Spaniards coming to Cuba have to belong to the volunteer corps). If they have not served in Spain, they join the volunteers to free themselves from the enforced military service which all have to suffer in Spain. Also in Pinar del Rio the large bulk of the population are Canary Islanders, not Cubans, and all staunch supporters of the Crown, and belong to the volunteer corps. A large majority of the tobacco planters are also Canary Islanders, as are also many of the sugar planters in Havana and Matanzas. The Cubans commenced their career of—well, they really commenced the atrocities themselves then. The Spaniards of the volunteer corps were taken and hung, and the trail of Bermudez could be followed by the bodies of those who were hung on the trees.

Q. Did you ever see an instance of that kind?—A. Yes, sir; two of them—three of them.

Q. Where?—A. The first was on the sugar estate of Santa Teresa, in the Province of Havana. The second—hold on, he was not a Spaniard, he was a Cuban—I believe, near Rio Bayamos, also in the Province of Havana. In the Province of Pinar del Rio, while I did not see them, I know of the case where Bermudez hung 21—everybody spoke of it—21 to one tree, of these Spanish volunteers.

Q. Who was Bermudez?—A. Bermudez led the vanguard of Maceo's army during the invasion. Bermudez was a bandit before the war, and is called, among the people who lived in the fields, the Weyler of the Cubans.

Q. What has become of him?—A. He is still there, if he did not die of his wound, received just before Maceo crossed the trocha. I do not mean to say that this was approved by Maceo, for when Maceo found that so many people had been killed, he deprived Bermudez of his command.

Q. It was done by a bandit?—A. An ex-bandit; but he was a colonel in the Cuban army.

Q. He was deprived of his command by Maceo?—A. Yes, sir.

Q. Because of these outrages?—A. Yes, sir. Antonio Maceo and all the rest of these Cuban chiefs, when they got this invasion finished, or had carried their revolution to the far western part of the province, started to organize their various zones and appointed local chiefs. One of the first steps of these local chiefs was to eliminate from the country people all those who had Spanish tendencies. All who lived in the country who were in any way suspected of Spanish sympathy and all who belonged to the volunteer corps, were ordered to the towns and their



houses were burned over their heads. That started the concentration business. When Weyler began his concentration, there was not a man living in the open fields who was not at least morally, if not openly, a Cuban insurgent. A man to live in the fields has to work for the Cuban government and plant vegetables for them, and he is, technically, an insurgent, living under the laws of the Cuban prefecto, and he has to acknowledge their authority or go to the town. They give no choice.

Q. They do not kill him, but send him to town?—A. They do not kill them. They have hung several for various little offenses.

Q. What kind of offenses?—A. One fellow in the province of Havana, a Cuban colonel—Col. Raul Arango—invited me once to a double hanging. One man he had ordered to town, and had been seen outside afterwards, and he was going to catch him and hang him—

Q. Treat him as a spy?—A. I suppose so. The other man was to be hung because he had taken cattle into town without permission.

Q. Treated him as a spy also?—A. The cattle were his own. If they catch anyone who is giving help to the Spaniards, they string him up.

Q. The Cubans treat those who are not with them as the enemies of the Republic?—A. Yes, sir. It was only recently, in the province of Villa Clara, that I called Gomez's attention to it, and asked him what he meant and if it was his policy. Around the small town of Fomento the Spaniards had not operated for a long time. It was about the beginning of Weyler's campaign, in the month of January or February. There were probably 100 families, or 800 individuals, living within a radius of, say, 3 leagues of this town—all little farmers, most of them Cubans and insurgent sympathizers working for the cause. Many were families of the insurgents where the men were out fighting. To show that Gomez is bound to force this concentration business himself, these people were ordered several times to vacate their homes and either go to the towns or to the hills. They did not obey. I believe the order was given twice, and still they did not notice it. Major Herrera—a Cuban major—was given orders by Brigadier Bravo, of Trinidad, to burn the houses of everyone and thus force them to move. The orders were carried out, and the houses of these people were looted and burned and their money and valuables taken away by their own countrymen. These people left destitute, and a great many enraged at the treatment they received, went to the town and joined the local guerrillas. I reported it to Gomez, and asked if that was his policy, as he was always decrying the Spaniards for employing these methods. He said, "Those people would not get out of there, and I did it as a humane measure. The humanity consists in forcing them to go away, because if they stay there the Spaniards will come along and kill them." The idea is to get the people out of the country. It is just as much to Gomez's ends as to those of the Spaniards not to have too many people around. It is only because he is at present in a country where there are no people, or where there are no pacificos living, that he is able to elude the vigilance of the Spaniards. This policy was not started recently, but long ago, and Weyler has taken the same precaution as Gomez had done previously.

Q. Around what town was this?—A. Fomento.

Q. After they had their houses burnt, they joined the guerrillas?—A. A great many, as they were enraged at the treatment they received at the hands of those they thought their friends. A few poor devils who had no money and no prospects went to the hills and built huts, and had to start life over again.

Q. Most of them went to the guerrillas?—A. Yes, sir; enraged at

the treatment they had received. They had been strict pacificos, but they had given their support to the Cuban government; had acted as spies; given vegetables, potatoes, etc., and many of them were connected with the families of those who were then in the Cuban army. In this, I meant they were relatives.

Q. The family, then, would be divided; some on one side—A. No, sir; those who were the families of men fighting went to the hills where they could be with their husbands. I mean women and children; no men.

Q. In these battles, I suppose there have been captures of Spanish troops?—A. I think only one or two is the highest number captured in any one fight. I have probably seen a dozen of them captured in all the time I was with them.

Q. Only about a dozen?—A. Yes, sir; that is all.

Q. What was done with them?—A. One was killed, the rest set free.

Q. Which was killed?—A. That was an incident in the fight at Palma. The prisoner was a guerrillero, caught in this town. The insurgents had their heaviest loss at this fight, and they captured the fellow and accused him of firing on them from a house. Maceo had him brought up and cross-examined, and then ordered his escort to take him to one side. He did not order him killed, but I saw the flash of a machete a minute after, a hoarse groan, and when I went over there a few minutes after they told me they had cut his head off and rolled the body down the hill.

Q. How many captured by the Spaniards?—A. I don't know of any.

Q. The whole number was about a dozen?—A. I know of cases where the Cubans captured forts, etc., but I mean by this dozen those captured in the field.

Q. Take the prisoners captured in any way, what has been their fate?—A. Gomez and Maceo generally set them at liberty, offering them the privilege of joining the Cuban forces. If they did not accept, they let them go free.

Q. Take them back to their lines, sending an escort with them to protect them from the Cuban pickets?—A. No, sir. I wrote an article speaking of the captives of Guaimaro. That was the town the Cubans captured in Camaguey. Captain Smith told me on the field that he had heard that half of the prisoners were butchered on their way to Santiago de Cuba. He denies it since coming here, but I wrote it on the field, giving him as my authority, which he was willing I should do at the time.

Q. Who was the commander?—A. I do not know.

Q. Have you ever seen the articles of surrender?—A. I think I have read them; I don't remember now.

Q. Did you notice the receipt the Spanish officer gave for his troops?—A. That was for the sick.

Q. For the prisoners?—A. I understood the prisoners were sent to the East to plant potatoes; I may be in error in that; I don't make any special point of that.

Q. Do you know—you have had good opportunity for observing—have you known any case where Gomez or Maceo, or any other Cuban general, has caused prisoners captured either in battle or out of battle to be shot?—A. I once had occasion to write about the conduct of Lieut. Col. Frederico Nunez, in the province of Pinar del Rio. He captured five Spanish soldiers on the estate Susi, near Cayajabos, and strung them up.

Q. Did Maceo know of that?—A. No; he was very indignant about it when he heard of it.

Q. What did he do about it?—A. Reprimanded him, I guess.

Q. What was the excuse for doing it?—A. I forget the excuse. There was quite a little talk about it. He had some trouble with General Arolas at the time, and there was something behind it; I could not explain.

Q. Did he do it as an act of retaliation upon some Spanish general?—A. No.

Q. Because they were spies?—A. No.

Q. Well?—A. He might have done it because they were spies. He captured them near the trocha, as Oyajabos was the first town outside the trocha.

Q. How did Maceo know about them?—A. Nunez made the report himself.

Q. Made the report that he captured them and hung them?—A. Yes, sir. You asked me did I know anything. I have a copy of an official document of one of these executions, committed by a Cuban subchief without the knowledge of his superiors. Here is a letter from Juan Ducasse, commanding the southern brigade of the province of Pinar del Rio.

Q. No, sir.—A. "I have notice that you have verified some executions in the district under my command without my previous knowledge"——

Q. Who was that from?—A. Ducasse to his subordinate. "I direct this present letter to you so that in the future you will abstain from doing this without filling all the legal requirements that are necessary in such cases. Please acknowledge the receipt of the present letter." This was, as I say, sent by Ducasse to one of his subalterns (Maj. Tomas Murgado) who had caused a couple of pacificos to be executed.

Q. In every case the act, when it came to the knowledge of the commander, was disapproved and rebuked—the man sometimes deprived of his rank?—A. Yes, sir. In another case I had the confession of a man who did it. Dr. Rojas Sanchez was a commander in Zayas's force. He boasted of having been given eight prisoners to deliver to the Spanish authorities, and openly bragged that only four got there.

Q. Did he say he reported that fact to his commanding officer?—A. No, sir.

Q. He kept that concealed?—A. Yes, sir; to show that Zayas was acting in good faith, when he made a big raid into the town of Esperanza, near Santa Clara city, this same major openly boasted that he refused to go into the town unless given permission to use his machete on all pacificos, and Zayas would not allow him to go in, but ordered him to stay outside the town. A story comes to my mind——

Q. A story I don't care about.—A. It is not a story; it was told to me by two soldiers——

Q. I don't care about putting in this record the stories——

A. I am perfectly convinced of it.

Q. Why so?—A. Because I threatened to have these men before their commanding officers.

Q. Why didn't you do it?—A. Because I had no time.

Q. Why not?—A. I had to get my dispatches to Trinidad.

Q. You got the confessions from two soldiers that they had committed some outrage?—A. No, sir; that when the town of San Pedro was attacked the whole force was given orders to use the machete on all male inhabitants, but to respect women and children, and to burn and loot everything. These were two wounded men in a hospital of a prefecto. They were talking among themselves and with my servant.

I understand Spanish perfectly. I got up out of my hammock and said to them, "Why do you men talk all that stuff, when you know you did not have such orders?" They said, yes they did. I said, "That is against all precedent, and General Diaz never gave you any orders to cut down all male inhabitants. Pedro Diaz is a great friend of mine"—which he was—"and I will have you taken before him;" and they never flinched.

Q. Did you see Diaz again?—A. No, sir.

Q. Did you ever use that conversation?—A. No, sir; I just give it as it comes to my mind.

Q. Do you know Diaz?—A. Perfectly.

Q. Did you believe that?—A. It seems improbable, and I did not like to believe it. That is the reason I raised such a row about it. The order was to burn and loot everything, to kill the men, but to respect women and children. They are very severe on any lack of respect to women. I have seen three cases of men hung for rape.

Q. How do you know any orders were given by any Cuban officer to loot and burn, to machete the men, but respect the women? Do you know that order was ever given?—A. I have heard it at La Palma. I have been at attacks on towns, and I have heard the order to loot and burn the town, but to respect women and children. The reason Maceo suffered such a defeat at Palma was because he put in all his unarmed men to assist in looting, they were so anxious to get clothing. His men were nearly naked.

Q. You went as an electrical engineer when you first went to Cuba?—

A. Yes, sir.

Q. How long did you work at that?—A. Until the year after the war began.

Q. Establishing telegraph lines?—A. No, sir; putting up electric-light plants.

Q. What company?—A. Spanish-American Electric Light and Power Company.

Q. Where located?—A. The head office at New York. I was employed by the company to be stationed at Matanzas.

Q. Did you have any plants elsewhere through the island?—A. Myself, personally?

Q. No; this company?—A. One in Havana, at Matanzas, and also at Cienfuegos; one small one also at Regla and Guanabacoa indirectly.

Q. Did they have a good deal of money invested?—A. Yes, sir; it is a pretty rich company.

Q. About how much?—A. I have no idea.

Q. Can't you give us some idea?—A. No, sir; on account of their gas works they probably had more money invested there than any other American company.

Q. Do they control the gas in those cities?—A. Yes, sir; the gas and electric light in Havana and Matanzas.

Q. Controls the telegraph lines?—A. No, sir.

Q. Who controls them?—A. The Government.

Q. Who built them?—A. I don't know who built them.

Q. Could not you give some approximation to the amount of money this company you represented has invested in Cuba?—A. It would be rather hard, for the detail of that company is—it is a big stock company, and I could not give any information; that was not my business.

Q. How many men employed?—A. A couple of hundred altogether.

Q. Americans, usually?—A. No; Cubans. I, myself was the only American in Matanzas, not only in the electric-light works, but in the

city. I think there were only two native Americans in the city of Matanzas while I was there.

Q. Perhaps you could approach to within \$50,000 or \$100,000 of the amount?—A. No, sir; I would not like to make any statement; I am ignorant of their affairs.

Q. It is very large?—A. Very large. Judging from the size of their plant, it is very much.

Q. Have they suffered from the war?—A. In this way: I don't think Spain is paying their gas bills, and they can't get their money from the town councils.

Q. I suppose they want it pretty bad?—A. Yes, sir.

Q. It cuts you out of a job?—A. Yes, sir.

Q. A good one?—A. I was not employed by them when the war broke out; I was in business for myself.

Q. What business?—A. I was in with Mr. Schlesinger, who represented Mr. Oscar Stillman, of Boston.

Q. Did you put up many of those plants?—A. Quite a few.

Q. How many?—A. large electric-light plant in the city of Colon, for a French company of Paris, and also five smaller plants throughout the island.

Q. Are they still in operation?—A. No, sir; because the smaller ones were in sugar factories, and the majority are burned.

Q. The war found you in that employment?—A. Yes, sir.

Q. And cut you off from all opportunity of getting along in that business, and it was then you became a correspondent of the New York Herald?—A. Yes, sir; I am not a newspaper man by profession.

Q. Were you employed while in Havana, or did you come here and secure your employment?—A. While in Havana, the first time, by letter from the home office. The second time, I was ordered by letter from James Gordon Bennett, from Paris, to go there.

Q. Bennett has no interest in the island?—A. None that I know of. My instructions were to be impartial, to give both sides a hearing, and I have tried to follow them.

Q. Were your dispatches examined by the Spanish?—A. No, sir; they never got near the Spanish.

Q. You were not representing both sides then?—A. Well, no; the fact is that the Spaniards have prohibited the correspondents from going into the field, and we break their laws by doing so.

Q. You can not give an account of what you see?—A. They would not let you out into the country.

Q. You could from Havana?—A. Yes, sir; but they would not let you out with their columns of operation. That system was inaugurated by Weyler. While Martinez Campos was in Cuba they allowed correspondents to go with the columns, and I had a pass at that time. I have a pass from the second captain-general, the same position that Ahumada holds at present.

By Mr. DAVIS:

Q. Did you know William G. Smith, of Gomez's bodyguard?—A. Yes, sir; he was once with me a month away from Gomez.

Q. How long did you know him?—A. Just that month.

Q. What month was that?—A. It was the month he left Gomez's camp, on the 14th of February.

Q. This year?—A. Yes, sir.

Q. Was that when he was going home?—A. No, sir; I offered to take him with me, but Gomez would not let him.

Q. What was his rank?—A. He had the rank of captain in Gomez's escort.

Q. How long has he been with him?—A. About a year, I think. A year last May he joined Gomez, if I am not mistaken—April or May.

Q. What were you and he off a month together for?—A. Smith was greatly interested in the case of Scovil, arrested and put in jail, and we wanted to go down to notify the American consul. We thought word had not been sent up to him about it, and, as I was going to notify the consul, he went as my companion.

Q. Anybody else with you?—A. My two servants.

Q. Where did you go?—A. All through that region, from Reforma to Trinidad.

Q. Did you obtain access to the American consul?—A. Yes, sir.

Q. Notified him?—A. Yes, sir.

Q. And then went back to Gomez?—A. Yes, sir; we saw our consular agent at Trinidad. The consul-general, Lee, we found had been already notified.

By Mr. MORGAN:

Q. On that excursion, when you were with Smith, were you under the orders of anybody?—A. No, sir.

Q. Was he?—A. Only under my orders, to go where we wanted to.

Q. He was on leave of absence?—A. Yes, sir.

Q. Gomez knew what your mission was?—A. Yes, sir; to get my dispatches through, and see about Scovil.

Q. What became of Scovil?—A. He got out.

By Mr. DAVIS:

Q. A great deal has been said, Mr. Rea, about the massacre of the sick and wounded and nurses in the hospitals of the insurgents. Did you ever witness anything of that kind?—A. No, sir; I did not, but I do not doubt that they may have captured a few hospitals.

Q. Irrespective of the number, have you any doubt that when the Spaniards captured the hospital they killed the inmates?—A. No, sir.

Q. That is a well-understood fact?—A. A well-understood fact.

Q. They have captured a great many?—A. No, sir.

Q. But they have killed all when they did capture one?—A. Yes, sir. A Cuban hospital is a difficult place of access, and I was only allowed, as a special favor, to see one of them. The Cubans themselves do not know where they are. They are established in the most inaccessible places.

Q. I suppose for the reason that they know that the inmates will be butchered if captured?—A. Their policy has been to put the hospitals in secure places. As a general rule, they would not allow a trail within a half a mile or mile of the place.

Q. Did you know of any manufactory of clothing on the part of the insurgents?—A. Only of shoes.

Q. To what extent do they manufacture shoes?—A. Quite a little. They make a bad attempt of tanning the hide and make quite a fair shoe for people who have never done anything of the kind before. They also make saddles.

Q. Make no clothing?—A. All the clothing worn by the rebels has to be brought out from the Spanish towns or lines, except when they raid a town. These attacks on the towns, as a rule, are not made with any view except to get clothing or stores. I know that when Maceo attacked towns on three occasions he did it for the purpose of getting clothing for his infantry.

Q. Are there any manufacturing establishments for the repair of

arms?—A. Yes, sir; they have armories, and have a few mechanics to repair arms, who do very nice work.

Q. Any manufacturing establishment for powder?—A. None that I know of.

Q. You do not know that there is none?—A. I never heard of it. I heard of a powder maker going down there, but he came away dissatisfied. They also made a couple of brass cannon, but they never used them, and they never did them any good.

By Mr. MORGAN:

Q. Did they make any small arms—guns?—A. They do not make any guns; a few machetes are all. It is commonly understood in the United States that they have plenty of men on the Island of Cuba to take up arms, but all that is lacking are the arms themselves. My experience in La Villas goes to prove entirely the contrary, because when Gomez crossed the trochas he brought with him several hundred extra arms from the eastern provinces, and had to force men to take them. He had to take men out of the country to shoulder those arms by what we call a forced draft.

Q. What became of those superfluous men you spoke of around Maceo's camp?—A. I suppose they are there yet. Just before I left the Cubans lauded two expeditions, and the junta claim they sent a couple of thousand rifles. That would account for these arms. Maceo had a large number of "impedimenta;" Gomez has none of them at all.

By Mr. DAVIS:

Q. "Impedimenta" means baggage, etc. You used it as meaning unarmed men?—A. Yes, sir.

By Mr. MORGAN:

Q. You spoke of a number of unarmed men who were with Maceo and in his way?—A. Yes, sir; about 1,500.

Q. What became of them?—A. I suppose they are armed now.

Q. Do you think that that tends to show there are no Cubans wanting arms?—A. What I mean is, there are no men leaving the towns for the army.

Q. I am talking about people in the country.—A. In La Villas there are no men in the country.

By Mr. DAVIS:

Q. Do you not understand that those concentrados are mostly women and children and old men?—A. I do not understand that at all.

Q. Have you ever witnessed one of those places?—A. I saw just as many young men as there are old men.

Q. When?—A. Just before I came home—a few months ago.

Q. Men that have come in from the country—Cubans?—A. I saw just as many young men as old men. The Cuban who has his country at heart—who was a patriot—went out during the first year. Those who have joined during the last year have been forced out by various circumstances—by lack of food, by persecutions of the Spaniards, etc. All the Cubans who had money when this war broke out came to the United States, and are carrying on the war from here. Leaving out those who rose up against Spain during the first year of the outbreak, the men carrying on this war in the island are those who could not help themselves or had no money to get away. This insurrection was going on for a year in the provinces of Camaguey and Santa Clara, and those in the west did not have the nerve to take up arms.

Q. Did you ever have any difficulty with Gomez?—A. Yes, sir.

Q. What was it?—A. It is quite a long story. General Gomez and I were very good friends until—I do not say he is a bad friend of mine now, but he treated me very badly. He did not treat me as he had others. He treated Scovil much better. He offered him twenty men to help him get through, and did not offer me any.

Q. What do you mean by impartial manner?—A. He showed partiality to the others.

Q. In what month or in what year did this partiality begin?—A. When I first met the old man.

Q. What other correspondents were in the camp?—A. Sylvester Scovil, correspondent of the World.

Q. He treated him better than you?—A. Yes, sir.

Q. That continued until you ceased all relations with him?—A. Yes, sir.

Q. Now you can go on and make any statement you want to.—A. I had been away from him to Trinidad. I saw things that astonished me—that ought not to have taken place in the Cuban Government, I saw many things that would work against them if printed and prove detrimental to their character. Among other things Smith and I witnessed—not exactly witnessed, but we were within half a mile of the town of Paredes. At 1 o'clock at night the Cubans attacked the town. There were 16 Spanish soldiers in the garrison—in one fort 5, in another 9, in another 2. They attacked the town and captured two forts, and there were but 5 Spaniards to deal with, when someone raised the cry, "Here comes the Spaniards," and they ran out of the town, leaving their dead and wounded. The Cuban commander made a report to Gomez, saying he had gained a big victory, while exactly the opposite was the case. He left his dead and wounded in the streets and ran away. Also, Smith and I had experience with the "majas" or unarmed men, who live in the hills and steal the food from the pacificos and respect no one's authority. We also had seen several cases on the part of the Government prefectos, who would not attend to their business. When I got to Gomez's camp, the old man asked me, very honestly, "How about your trip?" I said, "I have not enjoyed it very much;" and I went on to explain what I had seen. I told the old man, for his benefit, what I had seen, and Smith did also, and the old man was quite interested until finally he got mad and walked away; and I talked some with the other officers and made some criticisms on what had passed and that they did not know anything about. Gomez came to me after supper when I was passing through the camp and said, "What do you mean, Mr. Rea, by telling me all these things that you saw on that trip?" In the afternoon before that he came to me and said, "You have told me these things, I suppose, because you sympathize with me and want them corrected." Afterwards he called to me and asked what I meant by it, and I told him again what I had said before. He said it was not true, and I told him it was not my habit to lie.

Q. Was Smith in the camp?—A. Yes, sir.

Q. Did you call on him to corroborate you?—A. No, sir; Smith is afraid of the old man. Gomez said, "What did you mean by saying my brigadier made a false report?" and I said that he did make a false report if he had said that he won a victory, after he had run away and left his dead and wounded. He said, "What do you think of it, and what are you going to write about it?" I said "I am to write the truth," and he said that I had no business to write the truth.

Q. Did he make any point that you had made the same statements that you made to him to the various men in his command?—A. No, sir; the various men in his command have made these statements to him.



He got very mad about it, and said that if I wrote these stories he would shoot me. I looked at him in surprise. I thought perhaps the old man might take it into his head to do it then. I said that it was a pretty serious thing to shoot a man, especially an American, and he answered that as the United States or nobody else had recognized him as a belligerent, and his status was that of a bandit, he would shoot me, and that he could not be held responsible. After awhile he calmed down and we parted very comfortably. In the morning Gomez, in the front of all his forces, started again on the American Congress, the New York Herald, the American public, Grover Cleveland, and everybody else, and I told him I could not stand it any longer. He said all we cared about it was what we could get out of it or the money we might make.

Q. What did you say about that?—A. I said he was way off—that is not exactly what I said.

Q. Give us exactly.—A. I said “General Gomez, you are very unjust. You very well know that if the United States should set its foot down, and cut off your chance of getting arms and ammunition your revolution could not last.”

Q. Was that between you and Gomez alone?—A. No, sir; the whole army was there—that is, the whole of the army he had, 150 men and staff.

Q. They heard it all?—A. Yes, sir. After it was all over they came to me and tried to smooth it over. I said they could not smooth it over until the old man apologized. Smith was there and was very mad. He went up to Gomez and told him that he must stop abusing Americans or he would resign.

Q. Did he give a reason for this?—A. Because he had insulted the nation and Americans.

Q. Smith did not show he was very much afraid of the old man, then?—A. No, sir.

Q. He didn't like it?—A. Yes, sir.

Q. Did you leave Gomez after this incident?—A. About an hour afterwards.

Q. Did you leave his camp then?—A. About an hour afterwards.

Q. Did you report these facts to your paper?—A. To the paper, yes, sir; I did not publish them. I did not know whether I was right in publishing them or not. The old man made these remarks to me, and raised the dickens for no cause whatever. He was quite put out because, I suppose, the old fellow thought we ought to have been arrested and put in prison by the Spanish Government, so as to raise an issue between that Government and our own.

Q. Did you say anything about the partiality he had shown to other correspondents?—A. No, sir; I never said a word about it. He was comparing me with the other correspondents. He had said that it would be a very good thing if Scovil or I were arrested, and then the United States Government would get into trouble with Spain in regard to it, and he made the same remark that morning, and he made a comparison between Scovil and myself, and I said: “General, the day I get arrested by the Spaniards, I don't think it will cause a war that it will redound to your benefit.”

Having read and corrected the above statement, I hereby sign the same.

GEO. BRONSON REA,  
355 Sixth avenue, Brooklyn, N. Y.

BROOKLYN, N. Y., June —, 1897.

**STATEMENT MADE BY MR. STEPHEN BONSAI ON THE 11TH DAY  
OF JUNE, 1897.**

Mr. BONSAI was first sworn by Mr. Davis, chairman of the committee:

In the absence of Mr. Clark, one of its members, Mr. Davis acted as a member of the subcommittee.

By Mr. MORGAN:

Q. Please state your age, name, and the country of your nativity.—  
A. Stephen Bonsai; born in the State of Maryland 32 years ago, in 1865.

Q. What is your occupation?—A. Journalist.

Q. What is your acquaintance with the Spanish people, both in Cuba and in Spain?—A. I have been in Spain several times, as correspondent of the New York Herald, a good many years ago; and in 1893 I was appointed secretary of legation in Madrid, and remained about two years, until 1895. During that time I became acquainted with a great many Spaniards, and am very fond of Spain and of the Spaniards in many ways. I have written a great deal about the country, or rather of old Spain, and always in the most complimentary way, until I went to Cuba, and came on the new phase of Spanish character; not new, but new to me.

Q. When did you go to Cuba, and how long did you remain?—A. 1st of January, 1897, and I got back before the middle of April. I have been back more than six weeks.

Q. In what capacity did you go to Cuba?—A. As a special correspondent of the New York Herald.

Q. While there, did you visit the interior of the island?—A. Yes, sir.

Q. At what places?—A. I was, you might say, everywhere in the four western provinces. I was not in the two eastern provinces, generally called Puerto Principe and Santiago de Cuba—I was not in "free Cuba." I was not with Gomez's army; I was not where they control. I was generally within the Spanish lines.

Q. Those two eastern provinces are called La Villas?—A. No. Las Villas—that is very confusing. There are two ways of describing these divisions, by names of certain provinces, and then by certain expressions that have grown up among the Cubans. Las Villas describes the five towns. The real meaning of the expression is the five towns.

By Mr. DAVIS:

Q. It has no value as description?—A. No, sir; it is very confusing. It is like other expressions they have. The Cubans always use the terms, the upturn and the downturn of the island. That is the way the Cubans describe it; that it goes up one way and down the other. There are all sorts of descriptions, but I think the best way is the names of the provinces.

Q. In your visit were you limited to the railways, or did you travel by the ordinary country roads?—A. I traveled some by the ordinary country roads, but on my journey from Havana to what they call the front, the front of operations against insurgents, I traveled principally by train with military convoy. I traveled a good deal in Pinar del Rio by horseback, and also in Santa Clara; but the longest journey, from Havana to the city of Santa Clara, was by train with convoy, which took three or four days.

Q. Taking the country within the lines of the Spaniards as you found it on your first visit to the interior, what was the condition of the rural population outside the towns and cities at that time as to homes and subsistence and general prosperity?—A. When I reached Cuba, the so-called policy of concentration had been already put in force almost completely. There were some places where I still saw them driving in the country people. These orders of concentration were issued by the Captain-General of the island in October, 1896. They were issued on different dates, but began in October, 1896. One of these proclamations I published in the Review of Reviews. I got it from one of the general staff in Havana. I have seen the others, and they are identical, with the exception of different dates for different provinces. Between October and December, 1896, this policy of concentration was perfected and carried out. Every peasant and every person living in the four western provinces outside the garrison towns were driven into stations of concentration, their houses were all burnt, their crops and the palm trees destroyed, all the roots that grew—yams, etc.—were dug up, with the idea, many of the officers told me, to rob insurgent bands in these so-called “pacified” provinces of the means of subsistence.

Q. You mean the houses of all the ordinary rural population?—A. Yes, sir.

Q. There were still places protected in the interior?—A. There were about, I should say, in those four western provinces, 20 centrales, as they call them—sugar estates—protected.

Q. Were troops stationed on those sugar estates?—A. Yes, sir.

Q. In every instance?—A. Yes, sir.

Q. Spanish troops?—A. Yes, sir; of the regular army, and then irregular troops, raised for the purpose of the defense of the estates for which the proprietors had to pay.

Q. The proprietors had to pay the irregulars?—A. Yes, sir; and the regulars too.

Q. Had to pay all?—A. Yes, sir; but the irregulars more.

Q. Was that rule applied indiscriminately to proprietors residing in the United States and those residing in Cuba?—A. The rule as to the defense?

Q. And payment?—A. I do not know exactly to what rule you refer.

Q. I mean the practice as to payment for protection.—A. I do not know whether any man was forced to defend his place. Before the war, where there are now 20 large sugar estates, there were over 200. You go along through those western provinces and you can see the standing

chimneys. All the great machinery, the buildings, barns, etc., were burned—the great majority of these estates have been burned. There were many of the American estates protected in the way I have described, and several I have visited.

Q. Your information, derived from the officers of Spanish army, as I understand you, is that the troops that were upon these estates were paid for by the proprietors?—A. Yes, sir; absolutely; paid for openly. It was a bargain. It was arranged at the palace at Havana, and they had to pay extra there. It was a written contract. They had to pay extra to keep the *comandante* sweet. It cost them a pretty penny to have this garrison. Every man had to—the way they did this, they would have these places declared strategic points. That was the way the Spaniards would excuse the fact that they were having large bodies of troops in places where they were absolutely of no use. So Mr. Atkins or the sugar planters would go to Havana and have breakfast with the Marquis Palmerola and have a talk, and have their places declared a strategic point, and the Captain-General would order a certain number of troops there until further orders, with the understanding that the proprietor would pay so much bounty. I visited one estate where there were a thousand men.

By Mr. DAVIS:

Q. What estate?—A. Azpeztequia, on the southern coast, belonging to the Marquis, now in Madrid, and who belongs to the constitutional or tory party in Cuba. It had eighty forts defending it.

Q. Eighty forts?—A. Fortines. They look like forts in Sebastapol, a game we used to play when I was a boy——

By Mr. MORGAN:

Q. Did you learn whether this destruction of sugar plantations was the work of one side exclusively or both?—A. I think it was both sides. It is a rather difficult question, because they have each changed their policy. The Spanish idea the first year of war, the last campaign, as announced over his own signature by Mr. Dupuy de Lome, was to make the sugar crop. That was to show that the revolution was merely local and of little importance. This letter was published in the New York Herald, being the ideas of the representative of the Spanish Government in the United States, and at that time they took steps to protect the sugar estates to the best of their ability. Azpeztequia was the first man to fortify his estate. As soon as they found out, as they did a year and a half ago, while the first sugar crop was making, that even the most loyal Spaniard, being a business man, was perfectly willing to pay 50 cents a bag for the sugar he made to the insurgents, or to the Cuban prefecto—when they found out that the people they were protecting were paying taxes into the patriot treasury they concluded it would be a good thing to destroy all the sugar.

By Mr. DAVIS:

Q. By "them" you mean the Spanish?—A. Yes, sir. This year they have done nothing for the sugar people, because they knew all the sugar people, whether American, French, German, or the most loyal Spaniard, were paying tribute on their prospective crop to the insurgent local representatives. It is so easy to burn cane. One man can burn cane, and 4,000 can not stop it. So the policy of the Spanish Government in Cuba on the sugar question changed entirely. Last year it was to make the crop; this year they think to hurt the Cubans more by destroying it.

Q. It was changed because the Cuban revolutionists could collect the revenue from the Spaniards?—A. Yes, sir.

Q. Was that revenue willingly paid?—A. I think there was no unwillingness. I have talked with many of the Spaniards and they looked on it as a fair business proposition. They would rather pay 50 cents a bag than lose their sugar. Sometimes they refuse. Sometimes a man, because he had a thousand soldiers on his estate, thought that he could refuse and would not pay, but the crop was always burned. That happened to an American.

Q. What was his name?—A. Stillman. He was somewhat sluggish and his crop was burned.

By Mr. MORGAN:

Q. After this policy of concentration had been accomplished, or nearly so, when you arrived there, what was the condition of the small homesteads throughout the portion of the island you visited?—A. They were all either burned or thrown down.

Q. Crops destroyed?—A. Yes, sir; absolutely.

Q. What was the situation of the country as to cattle, hogs, etc.?—A. The cattle that had belonged to these guajiros, or peasant class, had been principally driven into the stations of concentration, as these people understood, to save them the trouble, and that they were to be given back to them when they got to the stations which had been designated for them to reside in, but they never saw the cattle again. They were swept into the commissariat department of the Spanish army and disappeared from view.

Q. Are there any cattle left?—A. Very few.

Q. It was desolation, then?—A. I have been in many countries where there was devastation, but I have never seen such a picture of absolute desolation as those provinces presented in the early springtime of this year.

Q. You saw parties of the rural population being driven into these point of concentration?—A. I did.

Q. Were they going willingly?—A. Most unwillingly, but not resisting. There had been many cases where they did resist.

Q. What became of them then?—A. They were shot.

Q. Did you see those same people later in your tour in Cuba, these concentrados?—A. I have been to every important station of concentration in the four western provinces.

Q. Did you identify any of the people?—A. No, sir.

Q. Did you see them at those stations?—A. Yes, sir.

By Mr. DAVIS:

Q. Are those stations many?—A. I saw every one—I mean every considerable one. There are fifteen or twenty stations of importance.

By Mr. MORGAN:

Q. What was their condition when you last saw them?—A. They were absolutely without food. The last station I saw was at Matanzas before I left the island. I saw the least suffering there. I have spoken more about that since I have been back because there were so many foreigners there who saw what I saw, and because in the stations in the interior, the purely military points, it is very difficult to have anything to say with the pacificos. You are followed by the soldiers, and they are told to keep their mouths shut.

Q. What was the physical appearance of those people as to starvation and condition of health?—A. In many instances they could not

walk, could not get up from the seats on which they were sitting. This demonstration, made on or about the 22d of March, of the starving people of Matanzas, was the most affecting sight I have ever seen. Of the 8,000 or 9,000, or possibly 10,000, people on this Cascorra hill—

By Mr. DAVIS:

Q. I understand that at Matanzas those people who had been driven in were taken onto a hillside and located?—A. Yes, sir; these people, being absolutely at the end of their resources, having no resources whatever, being so reduced they could not go any farther, walked down to the palace in Matanzas, as many as could walk—many of them were so weak that they could not even walk—there were about 1,800 or 2,000 of the 9,000 or 10,000 that could walk.

Q. When they got there the men did not dare to talk, and the women did the talking?—A. Yes, sir; the women and children. There were children there 15 years of age without a single stitch of clothing.

Q. Tell us about that officer you mentioned—did you see that?—A. Yes, sir.

Q. Tell us about that.—A. One of the young adjutants came out and wanted to know what was the matter. They were very much frightened before they got near the palace, but one of the women spoke up and said they meant no disrespect, but they wanted his excellency the governor to know their condition. This young fellow went into the house and told the governor, and after quite a while the governor sent word to them to go around to the new artillery barracks and he would do what he could for them. An hour or two later he sent out a quantity of potatoes, which was sufficient to give each person that walked down one potato, and then they walked home, the weaker leaning on the more able-bodied, and they got back in various ways to the place where they are dying.

By Mr. MORGAN:

Q. Did you learn while there, in this particular locality of which you are speaking, whether there had been an extensive mortality or fatality, in consequence of their starvation?—A. Yes, sir; in consequence of the starvation and in consequence of the plagues and epidemics raging among them. The yellow fever has been all winter unusually severe, owing to the bad sanitary condition in which they are living and the lack of food. The smallpox has also raged terrifically. There have been weeks in Matanzas where, in a population of 48,000 to 50,000, there have been 350 deaths a week from smallpox, and the death wagons are going all the time to the settlement of these starving people. Accurate and absolute statistics would be difficult to give, but I think I am now quoting correctly. Why, a comparatively short time ago in Matanzas—I have in mind many things that our consul told me, Mr. Brinkerhoff, the Danish consul, and sugar merchants whom I met, say there have been over 3,000 who have died out of the 8,000 or 10,000 concentrated there since the order went into effect.

Q. Within your own observation or knowledge, has there been any effort at a systematic supply of food for these starving people by the Spanish Government?—A. There has been no effort, whether systematic or sporadic, of any kind. While it was not published in the same proclamation, it was stated, when this new system of what is really extermination was introduced, that they would have zones of cultivation when they were driven to the various places where it was good for them to reside, from a Spanish military standpoint; that each head of family would be allotted a place in which to plant and cultivate a

garden, and in Cuba it could have been easily done; and while the people would not have lived very well, still they would have survived if such an arrangement had been made, but in no single instance has the zone of cultivation been handed over to the people. In several places they have said: "That is going to be the zone of cultivation." Matanzas was one, I remember, but it has never been done—never had been proposed to give it to them, in my opinion. It was merely a blind to the rest of the world, in my opinion.

Q. If their promise had been kept and these zones of cultivation reserved for the people to give to them, they still would have been without tools or the assistance of animals to cultivate those crops?—

A. Yes, sir; but they live on so little, these people. The climate is such that they can live on vegetable diet almost entirely—on potatoes cooked in various ways—and nobody would have died of starvation, in my opinion. They never cultivate much, anyhow; they never plow; things simply grow. But, being compelled to stay in these stations and stay in their huts, with sentries around who would shoot them down if they crossed the line to dig for potatoes or roots, there is nothing left for them but to starve.

Q. We hear a great deal of digging for roots. Can you name the roots on which these people can subsist?—A. I think there is a great deal of exaggeration in it. I do not know the names of any edible roots, and did not eat any myself while in Cuba; but I have been a great deal in the East Indies as well as in the West Indies, and I do not believe any European can live long on roots or leaves or edible palms.

Q. There are edible palms by which considerable subsistence can be received?—A. Yes, sir; but I do not think Europeans can live on them.

Q. The native Cubans can live on such diet?—A. By Europeans I mean the Cubans; I do not mean to refer to the aboriginal Indians. I mean, of course, in Java, Sumatra, etc., the natives live on air and a little rice once a year or so, but I do not think the natives in Cuba can do that. They are very fond of meat when they can get it. They can live very easily, but if, as has been proposed, they turn those people back, send them back to their ruined homes, to dig up roots and live on them, I think a great majority would starve.

Q. If they were driven out now?—A. Yes; of course the country has been entirely destroyed behind them.

Q. Their safety from starvation depends entirely on the people who are wealthy and the Spanish Government?—A. Entirely. They might be assisted back, and kept going for a month or so, until they could plant something. Judge Day asked me two or three days ago, I do not suppose confidentially, what would happen if the Spanish Government should change its policy and drive these people back to the places whence they came. I said that many would die on the way; that many more would die of starvation after they arrived.

Q. And very few would survive?—A. Yes, sir.

Q. So it is death to stay, and death to go back to their homes?—A. Yes, sir.

Q. Were the observations you made at Matanzas—I mean the results you reached at Matanzas—true, in your opinion, as to the other points of concentration?—A. Yes, sir; only at the other points, so far as I could see, each phase of suffering was more severe, because in Matanzas there was a large population, some foreigners, and some people who had had means before the war; and there was such a thing there as a man who would send money to these people to aid them; and there

was some effort, though generally ineffectual, to assist them. Take a place like Jaruco, between Matanzas and Havana, simply a little station on the railroad, in the swamp, where 8,000 or 9,000 people have been concentrated, where the ordinary population, if any, was under 100—there death was absolutely sure. I visited this station, and there were continual rows with the Spaniards. I could not see much, but I could see that the conditions were worse, and the troops guarding them, being under no surveillance at all, were treating them in a much more outrageous way.

Q. Speaking of the treatment of the troops toward those poor people, was it immoral?—A. I have never seen that, but I believe it was so. As you know, these reconcentrados are principally women, children, and old men. I have had a great many people tell me that, and I believe it absolutely.

Q. That they were the subjects of violence?—A. Yes, sir.

Q. Did they have any appearance of cheerfulness or resignation to their fate?—A. No; they were perfectly listless; they were hopeless.

Q. What sort of shelter did they have at these places of concentration?—A. A palm-leaf house that they built with wonderful skill. I have seen many of them, and have pictures of many in process of erection. They reach the place where they are told they are to live, and they are told to build the houses—all lie on the ground. They get the dry palm leaves and a few sapling poles for the four corners of the hut, and within an hour they have a very decent hut, all thatched with palm leaves down the side.

Q. Is that any protection against the heavy rains?—A. None at all; they all leak. They have no beds, all lie on the ground, which is death itself in that climate. If a man has a hammock, a soldier comes along and if he wants a hammock he takes it.

Q. How do these huts where these people live in this confinement compare with the houses they lived in while at home?—A. Their houses were very comfortable; many of them frame houses. These people lived in great comfort; they lived easily, and in great comfort. One of these little peasant farmers, with 3 or 4 acres of ground, would have every necessary of life, and even the principal luxuries. These they would grow themselves, such as coffee and tobacco, with very little effort.

Q. Is Cuba an abundant country in the production of coffee?—A. It does not produce a great coffee crop, but you might say it is a great country for the production of coffee. They can produce, perhaps, more coffee to the acre in Cuba than anywhere else. In the last twenty-five or thirty years they have gone almost exclusively to planting sugar cane.

Q. For commercial purposes?—A. Yes, sir.

Q. Do the common peasantry raise coffee?—A. He has; the little farmer has his coffee bushes covering a quarter of an acre, perhaps, and his little tobacco field.

Q. Do they have sugar cane?—A. No, sir.

Q. He depends on the market?—A. Yes, sir; sugar cane itself has no value. If a man wants a little cane, he goes and cuts it in the next field; it has no value before it is ground.

Q. It is a rather indigenous product?—A. Yes, sir.

Q. These concentrados lived well at home and were supplied with coffee and tobacco raised in their own little patches and gardens?—A. Yes, sir.

Q. They had other comforts?—A. Yes, sir.



Q. They had fruits, oranges, lemons, etc.?—A. Yes, sir; they have a great many fruits peculiar to Cuba that you never see anywhere else.

Q. Are they nice, rich food—pleasant?—A. Yes, sir; they lived extremely well, particularly the country people of the Cubans. They are a well-fed and well-grown people.

Q. Did you see among these concentrados any distribution of fruits, coffee, etc.?—A. No, sir; I have heard, and I know it to be a fact, that in one or two places like Cienfuegos and Jucaro the city council, or ayuntamiento, having on it either Spaniards who had lived a long time in Cuba and sympathized with their neighbors, or other charitable men, have voted to give these people a feed for one or two days. That has been done in one or two instances, but it only accentuates the starving condition of the people. If the people here in Washington should be starving and the city council should feed them for one day, it would only prolong the suffering, and that is the condition of these people. The city councils are very poor and can not do much, but that has been done in one or two instances, but nothing more than voting soup or dinner, or something of that kind.

Q. A casual supply?—A. Yes, sir; I simply mention it as a recognition of the fact by the people on the spot that these people were starving.

Q. Was it or not your conclusion from what you saw, looking over all the facts of the situation, that the policy of the Spanish Government with these people was to exterminate them by starvation?—A. Yes, sir; that was my conclusion, and it was not a conclusion that the Spanish high officials resented you imputing to them at all. Many I have talked with admitted it openly, many of them, and then they go on to say—if this is interesting to you—they tell their experiences in the last war. They say in the last war we finally made an arrangement with the insurgents and the thing was over, and we gave Garcia, who now commands the army in the east, a good place in the treasury, and we provided for various leaders who had surrendered, and then all the time they were drawing money from the Spanish treasury they were arranging for another uprising. They say that the policy of what they call “kindness” has failed, and that now they have quite made up their minds that the only thing is extermination; that there will never be peace on the island as long as there are any of these Cubans left, or any considerable number of them.

Q. The policy is then to exterminate?—A. Yes, sir; and they are not at all squeamish about admitting it.

Q. They propose to destroy the present population?—A. Yes, sir.

Q. And then to repopulate with Spanish?—A. Yes, sir. They have already exterminated one race, and Las Casas tells how they did it. They will probably follow the same methods with the creole race.

Q. None of the Indians are living?—A. No, sir; within forty years of taking possession by the Spaniards the Caribbean or Giboney race quite disappeared, although they had numbered 400,000 or 500,000 in a generation and a half.

Q. Did you observe many Chinamen there?—A. Not as many as I thought would be from the Miaco coolie trade the Spanish had going some years ago; a good many had left. They are very prosperous; generally keep hotels in the small towns; a few are laborers. They are provident and make money.

Q. Are they engaged in the army of either Spain or Cuba, any of them?—A. Some few in the insurgent army; none in the Spanish army. There are a great many negroes in the Spanish army; a great many

more, proportionately and absolutely, than in the insurgent army. Almost all the irregular troops in the Spanish army are negroes.

Q. Troops that are called guerrillas here?—A. Yes, sir.

Q. These appear, from the accounts we have had, to be a very desperate and reckless set of marauders?—A. When you look at their antecedents you will see it is only natural they should be. Those coming from Europe are liberated from Ceuta to fight in this war, having been under sentence for murder or other offense so serious as to make them liable to imprisonment in this penal settlement. No man goes there except under sentence of at least twenty years. In this war these jail birds are let loose to do what harm they can.

Q. They form the guerrilla troops?—A. Yes, sir; and they are added to by the local scoundrels.

Q. Did you observe, personally, any of the alleged cruelties and barbarities perpetrated by the guerrillas or by the Spanish army on the Cuban hospitals?—A. No; I was not in a Cuban hospital when they murdered people, fortunately; but I have heard of many of these instances. I have talked with Spanish officers, and they have not denied it. They are only obeying orders, actual orders; not, understand me, acting on their own responsibility. Under the military laws prevailing in the four western provinces they have not only the right, but it is their duty, to shoot any man, woman, or child found outside the Spanish lines.

Q. It amounts to this, that any man, woman, or child outside the Spanish lines in Cuba is outlawed?—A. They have told me myself in different places where I went—

Q. The policy then is to exterminate the rural population by starvation, and those who do not come in are to be shot?—A. Their orders are to shoot on sight. They say, "If we see a man on the road we shoot." They are perfectly justified so far as their orders are concerned. They are carrying out exactly the orders of the captain-general.

By Mr. DAVIS:

Q. What justification do they give for shooting women and children?—A. The women might breed and the children may grow up.

Q. Do they talk that way—say the women might breed and the children grow up?—A. Yes, sir; they are not averse, as you might imagine, to going on and describing fully what they mean and what they desire, and General Weyler is not unpopular among what you might call the most powerful section of the Spaniards in the Island of Cuba. On the contrary, he is quite popular. He is just the man they want. They believe with him in command this policy of extermination will be carried out to its logical conclusion. I remember, in Santa Clara, in the Club of Merchants, in the town of Santa Clara—it was at the time when it was proposed that Gen. Martinez Campos should come to Cuba—they said to me, these men of influence, unanimously, that "if Martinez Campos comes to the Island of Cuba and makes any proposition of compromise as he had before we will shoot him in the streets of Havana. We do not want General Weyler removed, because he is our man. He is bloodthirsty, and he is the man we want. We do not know whether he will be successful, but he is going about it the right way."

Q. Do you believe these sentiments to which you refer can be justly attributed to the party in Cuba called "Autonomists"?—A. The Autonomists have been placed in a very awkward position. What they say—I know Montero very well; I knew him in Madrid. I never could

tell when he was talking to me, whether he was talking what he thought was the truth or for the gallery. They were evidently deceived by the measure of administrative reform published last February. A different draft of it had been given out to Montero and different leaders of the Autonomist party, with which they were delighted, because it embodied all their platform, for which they had been fighting the last ten years, and they gave their unqualified adhesion to this document of reform. When the official scheme was finally published in the Official Gazette, they found they had been duped, and that Canovas had not given any such reforms as they had been promised, and some of them, like Dr. Lorin, left the country. He feared he could not stay there without expressing his opinion and going to one of the penal settlements like Fernando Po. Montero stayed. I do not know whether he was a party to the trickery or not. He is a very poor man, and I do not think he could go. I really think he was duped himself, but the Autonomists are exceedingly few now. The reform measures, if they did nothing else, certainly served to reduce considerably the numbers of the Autonomist party, who believed that even a good measure such as that of the Dominion of Canada would be a satisfactory solution of the Cuban trouble. It was never considered seriously for a moment even by the Government before this proposed reform became known, but since it has been known nobody refers to it even, least of all General Weyler. He has no illusions as to it. It was simply conceived for effect on the civilized world, and especially on the United States.

Q. Have you seen parties of these guerrillas?—A. Many of them.

Q. Do they act independently or with the regular army?—A. They act quite independently. They are generally in better physical condition than the regular army soldiers, so they are more active, get around more.

Q. Are they mounted men?—A. Generally; some on foot, but generally mounted on these little Cuban ponies.

Q. Are they enlisted in the army of Spain?—A. Yes; it is very difficult to say exactly—their legal status has not been decided down there. They are generally local corps, very much as our national guardsmen, enlisted as soldiers, and then, by their own request, they are mobilized into the regular army under the orders of the military commander of the district in which they are stationed.

Q. They report to him?—A. To him. They are directly under his command; like our militia companies if mustered in. In their activity they are not under him, but have their own officers and maraud the country.

Q. Corresponding to the parties of rangers in the Confederate service?—A. Yes, sir; only they are mercenaries; they enlist for the pay.

Q. Have you collected, to your own satisfaction, the figures in reference to the strength of the Spanish army; or, speaking in terms I prefer, the number of Spanish soldiers, including released prisoners from the African and other prisons, who have been carried to Cuba for the purpose of this war?—A. It is very easy to find out the numbers. They are variously estimated at between 220,000 and 230,000 men that have been brought over since the outbreak.

Q. There were then soldiers on the island?—A. Yes, sir; there was then an army of 15,000 on the island when the outbreak occurred.

Q. The regular standing army in Cuba?—A. Yes, sir.

Q. They have never been free from that standing army?—A. No; never free from them.

Q. That standing army was about 15,000?—A. Yes, sir.

Q. Not for the purpose of protection, but for the purpose of an establishment?—A. They are a part of the Government.

Q. A part of the establishment?—A. Yes, sir.

Q. Had it occurred to you that there was a large excess of troops brought over from Spain to Cuba?—A. Yes, sir; that had occurred to me. I thought the Spaniards could do better if they had fewer men.

Q. Could take better care?—A. Yes, sir; the exposed area would be less. Their chief losses have been from sickness. If they had 50,000 or 60,000 men, grown men, not little boys; they have kept their best troops in Spain, and as the new conscripts came up each year they sent them out to Cuba.

Q. I suppose that accounts for the remark generally made in regard to the Spanish army in Cuba, that it is an army of boys?—A. They are very young.

Q. As a rule that is a fact?—A. Yes, sir.

Q. They are not seasoned soldiers?—A. No, sir; you remarked that in the corporals, sergeants, and noncommissioned officers; they are just boys, too; have seen no service and are not steady.

Q. Spain has a disciplined, matured, and experienced army at her command, I suppose?—A. They have 60,000 to 80,000 very good troops in Spain now.

Q. They are kept in Spain?—A. They keep their best troops in Spain; yes, sir.

Q. For the purpose of conducting the Government there?—A. Yes, sir; to be prepared for emergencies; they have kept their best troops and their best officers.

Q. Do you know anything of any company that has the monopoly or the entire work of bringing over those troops and supplies from Spain to Cuba and carrying them back?—A. They are all brought in the steamers of the Company Trans-Atlantica, but I do not think it is a monopoly; I think they would be glad to turn it over to somebody else. They are carrying it from patriotic motives entirely. The Marquis Cornillas is a very patriotic man. He turned his ships over to the Government at the beginning of the war for this purpose and said they would keep a running account; it is still running.

Q. You think the Government has not paid for this transportation?—A. Yes, sir.

Q. That the account is still running up, unliquidated?—A. Yes, sir.

Q. These trochas seem to require the presence of very large numbers of troops?—A. Certainly, very large numbers of troops are stationed along them.

Q. Could you form an idea as to the number?—A. I have never been to the eastern trocha, but along the Mariel-Majana trocha there were about 15,000 men, supposed to be keeping the insurgents in Pinar del Rio that had gone to the west end of the island.

Q. Have you known of any instance in which there were important military advantages gained over the insurgents by means of these trochas?—A. No; they always seem to me very senseless, very mediæval. I could not understand why they were built. They served no purpose, except to put thousands of men on their backs with fever from the turning up of this low, decaying soil. All along the trocha, the Mariel-Majana, or western trocha, the soldiers are buried in great numbers. I was told by one of the head surgeons in San Ambrosio hospital that they had reached Havana—they don't often send men there—that they had at least 12,000 fever cases from that trocha.

Q. The western trocha?—Yes, sir.

Q. We have had several descriptions of these trochas. I would like you to describe the one you saw.—A. Of course, the trocha is not uniform like a wall. In different places it is different. It has varied architecture with the nature of the ground. It is a sort of ditch—a cut. They dig this ditch and throw up the ground on one side. Every quarter of a mile or so they have a little fortin, according to the nature of the ground; sometimes two; where there is a gulch they have two forts, and in many places they have the barbed-wire fence to keep back cavalry.

Q. What is about the width of the clearing through which it is constructed?—A. The open space, with no trees?

Q. Yes, sir.—A. It varies. Sometimes you go across a vega, and you would not see a tree for 3 or 4 miles.

Q. Where they pass through the wooded districts?—A. It varies. Sometimes the trees come right up to the trocha and furnish protection. So far as I know I have never been with an insurgent band when they crossed the trocha, but it has never presented any obstacle to any of the insurgents that wanted to go in or out.

Q. You would regard it as a failure in a military sense?—A. Yes, sir.

Q. But it requires the protection and attention of a great many men?—A. Yes, sir; and has cost a great many lives.

Q. I wish you would describe the means of transportation the Spanish army employs when it leaves the central depot or commissary station to make an examination or incursion against the enemy.—A. When they go from Havana, they do not make any preparation at all, apparently. I am only speaking from personal knowledge. I spent three days with Spanish troops going from Havana to the town or city of Santa Clara, and they had what I had—only sugar cane we cut along the line of railroad. They made no preparation. When they go out, as they did from Santa Clara after Gomez, the three columns Weyler had converging on Santa Clara started out to drive Gomez across the eastern trocha or make him fight; they had no commissary arrangement. They had little bags in which they put what they had, but they had to go back within twenty-four or thirty-six hours for provisions.

Q. No pack train?—A. No, sir; no mountain gun or train or anything.

Q. They go with what supplies they can carry in their knapsacks or haversacks?—A. Yes, sir.

Q. And must go back when their supply gives out?—A. Yes, sir; it necessarily makes the campaign a short one.

Q. You speak of Weyler going after Gomez. At what point did they meet?—A. I do not think they met. I saw General Weyler in Santa Clara, at the high-water mark of this campaign, and he then told me that it would result in the capture of Gomez or his retreat across the eastern trocha into the Cuban or free Cuba. But it did not. Within ten days Gomez gave news of himself, and he was in General Weyler's rear at that time. Weyler had marched all the way from Havana, and he had three columns that came into Santa Clara. He must have had 40,000 men if he had one.

Q. How many?—A. 40,000 men, and he had the best men that were left.

Q. Was it in that campaign that Weyler attacked Gomez at the estate called La Reforma?—A. I do not know anything about that; I am told it was.

Q. What was your observation, or your reliable information, as to the condition of the Spanish army during the period you were there as to health?—A. They were in wretched health. Hardly a man there that should have been with the colors. The hospitals were simply crowded. They had begun with this one military hospital of San Ambrosio, and they now have eight in Havana alone, and the people were crowded together, and half the men in camp were totally unfit for service—never should have been there—were doing more harm than good, not properly fed, not properly clothed, and, to begin with, were not proper men to send out. They were merely half grown boys.

Q. Is the Spanish army in Cuba fed by distribution of rations at stated times or by the purchase of rations by the soldiery?—A. Sometimes one is the case and sometimes the other.

Q. The system is not regular?—A. I do not know. I suppose it depends on circumstances, and sometimes it depends on the wishes of the soldiers. Sometimes they have said they would rather have a certain amount of money per day and take care of themselves.

Q. In which case they could buy from the commissariat?—A. Yes, sir.

Q. Is the country capable, in its present condition, of furnishing supplies for the army of Spain?—A. No, sir; they are getting all their supplies, with the exception of the cattle, from outside of the Island of Cuba.

Q. Have you any knowledge of the points from which they chiefly obtain their supplies for the army?—A. I have seen supplies that came from the United States and supplies that came from Cuba. I have seen bales of hay that came from New Orleans, coming for their cavalry in Pinar del Rio, that came to Havana on the New Orleans steamers.

Q. Where do they get their coal for the steamers?—A. I do not know about that. I think there is coal on the Island of Cuba.

Q. You speak of getting their cattle from the island. Do you mean that there are large herds of cattle now there on which the army can subsist?—A. They have a certain amount of cattle there, and outside their garrison towns you see a lot of cattle.

Q. Do you know whether they are native cattle or imported?—A. Native cattle; they belong to the commissariat at those places. You can see them browsing, with a guard over them.

Q. Plenty of green forage? Plenty of grazing for cattle in Cuba?—A. I do not know that; I should say there is plenty. They are not great big cattle like our cattle, and probably do not eat so much. They are more hardy, more like goats. I could not say there was any great amount of fodder; it is not a grass country.

By Mr. DAVIS:

Q. You speak of the portion of the country where you were?—A. Yes, sir.

By Mr. MORGAN:

Q. You have not been in the mountains?—A. No, sir.

Q. Did the Spanish army impress you as being one full of spirit and life?—A. No; they struck me as being very depressed and disheartened, and sick of the whole business; wanting to go home very much.

Q. I believe you say you were not, at any time, in the Cuban lines, in the lines of the insurgents?—A. Not to my knowledge.

Q. You were not with the Cuban forces?—A. No, sir.

Q. Do you know anything of the fate of the correspondent—I think of the New York World—whose name was Govin?—A. Yes, sir.

Q. I wish you would tell what you know or what information you have as to him.

By Mr. DAVIS:

Q. What was his name?—A. Charles Govin.

Q. Where was he born?—A. I do not know anything about that except from information. He was born, as I understand, in the United States; in some State—

Q. Do you know what State?—A. I have it down somewhere, but I do not now remember.

Q. Did you know him personally?—A. I did not.

By Mr. MORGAN:

Q. What account has been given of his death, and to what extent do you credit it as being true?—A. I will have to go back a little to answer that. When I went to Cuba Govin had been dead many months, and it was one of the old stories to which I, naturally having to write, did not pay much attention; but one day I received permission to go to see the American prisoners in the castle. I do not believe they had been seen then by any American except the consul-general.

Q. You obtained information which, in your opinion and judgment, you have a right to rely upon, from an eyewitness?—A. Not of his death. I talked with all these prisoners. One of these men was born in Key West and he went to Cuba in the same expedition with which Govin went as a newspaper correspondent, and when they were captured the Spanish tied them two by two, and this man was tied to Govin. You may remember that when the consul-general in Havana called the attention of the State Department to the fact that there was a rumor that this man had been murdered or killed the Spanish statement of the case was very circumstantial, and various general officers gave their personal word that such was the case—that Govin was killed in a skirmish on a certain day. This man stated that he was tied to Govin and slept by his side two days after the Spanish officers gave their word as to the date of his being killed in a fight. This man stated that he, too, was an American citizen, but was clever enough not to claim American citizenship, and that is the reason he escaped with his life, while Govin claimed American citizenship and, according to this man's story, was cut to pieces with matchetes. The falsity of the Spanish story demonstrates the truth of his.

By Mr. DAVIS:

Q. What paper did he represent?—A. I do not know about that. I am told the Jacksonville Times-Democrat. I think he was born in Ohio.

By Mr. MORGAN:

Q. You visited the prison?—A. Yes, sir.

Q. Did you see the *Competitor* prisoners?—A. Yes, sir.

Q. I suppose you have no knowledge of the circumstances of their alleged offense? That was committed long before you got there?—A. None from being on the spot; nothing except what they told me in my talk with them in their prison.

Q. How were they treated in prison?—A. Very badly, in my opinion.

Q. In what respects?—A. Their food was perfectly disgusting. When I saw Melton three months ago I telegraphed that I did not think the man would live six weeks. He is still alive. He was emaciated to an awful degree and in a terrible condition. He is not a rugged, hardy sailor man like the others.

Q. A young man?—A. Yes, sir.

Q. About how old, do you think?—A. Not over 22 or 23.

Q. Did he appear to be an intelligent man?—A. A very fine fellow in every way, I should say. He stands his imprisonment in the most plucky way; does not complain at all. He said he had written home to his people in Arkansas, and that they had received assurance from the Congressman of his district that everything was being done that could be done in Washington, and he was perfectly satisfied with that, that they were doing what they could, and he never complained. He said the food was very bad, and he could not eat. The captain of the *Competitor* told me that he never could eat; that he did not eat anything to amount to anything from the first. The man looks like a walking skeleton. He is a great big fellow—big framed and I do not suppose he weighs now over 90 pounds. He did not when I saw him.

Q. Do you recollect the other names?—A. The captain's name was Laborde. I have the other names, but do not remember them all now. There is one supposed to be an Englishman, born in Liverpool.

Q. Are they all in one cell?—A. No, sir; separated. They live in what they call galleries, thirty to forty in a dormitory. Melton and Laborde were in one and three or four in the other. When I went to see these men, I did not see them in their gallery; they were brought out. All I saw of the gallery was through the window. They do not allow you to see the cells.

Q. While in Cuba did you have any personal knowledge of the treatment of the Cubans by the Spaniards when they captured them?—A. I saw a great many shot by due process of martial law who were said to have been in the insurgent ranks or broken the military rules. I saw them led out and shot.

Q. Prisoners of war captured in action?—A. Very rarely; I think it was very rare they captured them in action. I think they were mostly captured under the terms to which the proclamation applied, and that therefore whoever found them had the legal right to shoot them down. They were brought in for the purpose of extracting information, and tried by summary court-martial, and then shot.

Q. Did you see the man whose case you recited in the Review of Reviews?—A. Fidel Fundora. He was a cattleman living in the province of Matanzas, a native Cuban. I saw him after he had been tortured.

Q. What was his condition?—A. Both his hands had been tortured by the thumb string, by tying his two thumbs together and increasing the pressure until the string cuts the thumbs off. Gangrene set in, and to save the man's life, which they wanted to save very much at that time, because they thought he had valuable information, they had to amputate both hands, which they did. I saw the stumps.

Q. They tortured him to extract information?—A. Yes, sir; they thought he was acting for the Junta in Matanzas in making this shipment; they wanted to know who he was acting for in making it.

Q. What was the charge against him, or the facts that led to this torture?—A. The charge was—I do not imagine any specific charge was ever made; they do not do that—but the charge they might have made was sending ammunition or supplies to the enemy, or sending food or supplies of any kind, which is forbidden by the bando, or proclamation.

By Mr. DAVIS:

Q. I understand that he was charged with shipping a package pur-



porting to contain hides outside the lines, and they got hold of it and found it contained medicines and antiseptics, etc., and seized it?—A. Yes, sir.

By Mr. MORGAN:

Q. That was the state of facts that led to his torture?—A. Yes, sir.

Q. Where did you see him?—A. I saw him going out of the headquarters of the civil guard at Matanzas, where he had been under examination of some kind.

Q. He refused to disclose any information?—A. Yes, sir. He had been under examination for many weeks. This day he was coming out from some hearing that had been going on, where he had been brought from his prison. That was the first I had heard of this case.

By Mr. MORGAN:

Q. His hands had been then amputated?—A. Yes, sir.

Q. What was his ultimate fate?—A. I do not know; since I left the island I have not heard.

By Mr. DAVIS:

Q. You understand he refused to disclose anything?—A. He did. At least once, and I believe twice, he had been led out into the yard with the belief that he was to be shot, and they led him out to the courtyard where they shoot men. The priest had given the last sacrament and the order had been given to fire and they had either fired blank or over the man's head. I did not see that; I believe Mr. Consul Bryce saw it.

By Mr. MORGAN:

Q. Their purpose was to get some supposed important information from him?—A. Yes, sir; they believed he was acting for the junta in Matanzas, and they would get 10 or 12 more people to kill if he would betray them.

Q. Do you know the general estimate in the part of Cuba where you were as to the strength of Gomez's forces?—A. It varies even with the people who have been with Gomez, whether Americans, English, or Cubans. Each time it is a different statement. I think from what I have heard that at times his forces are larger than at others, very often owing to the exigencies of his military positions. He divides into smaller bodies, then brings them together if he wants them for military operations. I believe it is a compact body of men generally.

Q. What is the estimate in Havana generally of the general strength of the insurrectionary forces?—A. All through the island?

Q. Yes, sir.—A. I have heard Spanish officers of the general staff say they had at least 40,000 armed men, armed in a modern way with rifles, altogether throughout the island. I think the Spanish have good information on that point.

Q. Is it your opinion, from all you saw there, that it is possible for the Spanish army to conquer, subdue, or pacify the Cuban people?—A. It is not.

Q. Do you think it possible, under existing circumstances, for the Cubans to drive the Spaniards from the island?—A. I do not; but the existing circumstances can not continue very long. If the Spaniards were able to keep their present state of finances and military effectiveness, and that sort of thing, for a long time, I think it would be impossible for the Cubans to drive them out, if they did not receive a large increase of force. But the Spaniard is in the position of a man

who is undergoing a severe illness and who does not know when his vitality will give way. The strain is such that he is being weakened every day.

Q. What is the condition of local finances in Cuba?—A. Do you refer to the money?

Q. Yes, sir; to the money in circulation and the sorts of money and its value as compared with gold and silver?—A. They have all sorts of money in Cuba. They have gold and silver, and then they have notes, which compared to gold are depreciated very much.

Q. About how much?—A. \$4.80 in gold is worth \$15 in paper.

Q. How much in silver?—A. About \$8 or \$9 in coin. These things have changed very much since I left Havana; it is worse. The depreciation of the note is going on steadily.

Q. Are the Spanish soldiers paid in gold, silver, or paper?—A. They are paid in paper for one month. You see, they are paying them now for last fall; they are in arrears four or five months with the pay. Within the last two months they did pay a portion of one month in silver—in metallic, as they call it—in metal. As a general thing they pay in paper.

Q. Do they complain of it—the officers and soldiers?—A. Yes, sir; the civil guard—that division of the army numbers about 25,000 men—have raised a big row, and threatened mutiny almost, because, under some statutes under which they were organized, it was promised that they should be paid in gold.

Q. What is the civil guard?—A. The corps of élite, you might call it. The officers are all army officers, have the same education, and are chosen for their higher abilities, and the men are all men who have served with credit in the regular army and then reenlisted in the civil guard. In old Spain they are mounted constabulary, who patrol from one end to another. They go by pairs up and down on the Spanish roads.

Q. Are the civil guard enlisted for general service in Cuba or for local service?—A. For general service.

Q. In addition to that, have they any home guard or local guard?—A. They have what they call The Volunteers; it is a sort of national guard for the Island of Cuba, composed entirely of Spaniards. It is a guard for affairs in the island, the volunteers, as they are called. It is a body of men—you have heard of the massacre of the students in 1870 committed by them. They are very powerful; it is an influence. Every Captain-General has to take them into his calculations. One or two Captain-Generals—among them General Dulce—were sent back to Spain by them. They took him down and put him on the steamer, and sent him back to Spain. I only mention this to show their influence.

Q. They are called volunteers?—A. Yes, sir.

Q. They belong to the army?—A. No, sir.

Q. An independent force?—A. Yes, sir.

Q. But loyal to the Spanish crown?—A. Yes, sir; they are mostly officeholders, men in the different Government bureaus, shopkeepers, planters, men who are only in Cuba for a few years.

Q. Are these men required to go to any part of the island that the captain-general may order them to, or are they organized and enlisted for home guard or local purposes?—A. I think they are under their own organization and regulation, but they would have to obey the Captain-General's orders; the Captain-General is their commander in chief, and they would have to obey his orders, but he has never given them any orders for this war.

Q. From your description, I am led to suppose that pretty nearly the whole adult male Spanish population belongs to the army in some form or another?—A. They are in the army or in the volunteers. Since the beginning of the war the volunteers have done nothing but serenade various generals or victorious chiefs, or meet them at the railway station. They have not been under fire much.

Q. In one way or another the adult male Spanish population is nearly all connected with the army?—A. Yes, sir.

Q. In the army in some form or another?—A. Yes, sir.

Q. And the insurgent population was supposed to be in the army of the Republic?—A. Yes, sir.

Q. Then there is a class called *pacíficos*, as I understand, who do not belong to either?—A. In my opinion, the *pacíficos* are the members of the patriot families—the women and children and old men—who are not capable of bearing arms.

Q. Then, in the Island of Cuba, almost every man who owes allegiance to Spain is in one or the other army in some form or another?—A. Yes, sir.

Q. The whole population engaged in war in one way or another?—A. Yes, sir.

Q. No neutrals, if I understand, except the foreigners?—A. Yes, sir.

Q. And the women and children?—A. Yes, sir; they may be neutrals so far as active taking up of arms are concerned, but they are very few. All the Spaniards, with the exception of a few tobacco buyers and planters, and so on, are in the employ of their Government; they are officeholders in some way.

Q. The same is true of the parts of the country occupied by the Cubans?—A. Yes, sir.

Q. So it is an internecine war?—A. Yes, sir.

Q. And extends through all classes of society, in one way or the other?—A. Yes, sir.

By Mr. DAVIS:

Q. Did you meet any of these chiefs of the Spanish irregulars?—A. I knew Fondaviela, the Guanabacoa man.

Q. What was his business?—A. He was in the regular Spanish army, an officer detailed for the military command of the town of Guanabacoa; he is in the regular army.

Q. Did you, in the course of your investigations in the island, discover any American citizens among those who have been driven into the Spanish stations of concentration?—A. No, sir.

Q. You saw none at Matanzas?—A. There were at least 20 Americans who were living in the house of our consul of Matanzas, Mr. Bryce. He was supporting them very charitably. They were people whose means of livelihood had been swept away by the war, and who had been living in Matanzas. They were not of the country population, but were absolutely destitute.

Q. What area on that hillside do these nine or ten thousand people occupy—what space does it cover?—A. Perhaps 20 acres.

Q. Are the houses laid out in any order, in the way of streets?—A. Oh, no; only in lines.

Q. How much space between the houses?—A. About 20 feet. They were huts made of palms.

Q. Was the filth removed, or suffered to accumulate?—A. Suffered to accumulate; but they were in an advantageous position, as they were on the hillside, and the filth washed down; nothing like the condition of those living in the swamps.

Q. Those concentrados were mostly women and children and old men?—A. Yes, sir.

Q. Where did you understand the able-bodied men were gone?—A. I understood—it was a question I never spoke about, but I understood they were with the patriot forces of the Island of Cuba.

Q. Have you made any estimate of the forces of these concentrados driven in?—A. Yes, sir; not from statistics—

Q. From the best information you have?—A. I believe, in the four western provinces, there has been concentrated at least 400,000 people.

Q. Living in the conditions you have detailed?—A. Yes, sir.

Q. That implies total depopulation of the other parts of both provinces?—A. Yes, sir.

Q. Did you visibly see that result as to the country outside those Spanish stations?—A. Yes, sir.

Q. It means depopulation?—A. Yes, sir; absolutely. It is proclaimed officially that nobody is allowed to live there, and anybody living there is an insurgent, and to be shot on sight.

Q. Please state what your information and knowledge is in regard to the Ruiz matter.—A. The day that this man was found dead in his cell, in February last, I met General Lee in Havana, and he told me that he had heard of an American citizen who had been found dead, or, as he understood it, murdered, in his cell in the Guanabacoa prison, and as Mr. Sprunger, the vice-consul, who was the only man attached to the legation who spoke Spanish, was in Washington, he asked me to go with him as his interpreter.

Q. You speak Spanish fluently?—A. Yes, sir.

Q. Did you go as a representative of the Government?—A. No; he wanted me to go as a citizen, but I had recently been in the United States diplomatic service, and possibly that was the reason he asked me. He got Dr. Burgess, the American doctor in Havana, and we reached Guauabacoa a little before noon. We went first to the palace and saw General Ahumada, who was second in command, General Weyler being out in the country. General Lee demanded the body for the purpose of an autopsy, and Ahumada telegraphed to Guanabacoa, granting this permission. When we reached the jail, Fondaviela, the military governor, Maruru, the civil alcalde, and various other people, the doctor who was supposed to have attended this man, the jailer, and various officials of the jail were present.

The man was lying in a large cell, almost as large as this room, but the doctor told me that when he was called the night before to see this man that he was in another cell, a cell which I did not fully see, but which I will describe as well as I can later. This man, after he had been killed—or driven mad by his treatment, which I consider equally murder, had killed himself—had been removed from that cell to the larger one. All the cells, with the exception of three, one of which I afterwards found out was the cell in which Ruiz had been imprisoned during his lifetime, opened onto the court. These three little cells were down a passageway off the courtyard. We went in and examined the body of the man, and while waiting for the Spanish physicians to be present while Dr. Burgess performed the autopsy, I talked with many of the prisoners in these cells. The bars were opened. They were men, many of these fellows, prisoners for ordinary offenses. Some twenty were men imprisoned under the same suspicion as was the pretext for locking up Ruiz, that he and they had something to do with the capture of the train at Guanabacoa, when Aranguren captured a train with ten officers, took them off and hung two of them, Cubans by birth—traitors, as he con-

sidered them—and sent back the Spaniards to their lines. These men all stated that Ruiz had been horribly treated; that his cries had been piteous; that night after night men would go to his cell, and one of these men stated that the night before, what they supposed was the night of Ruiz's death, for they never heard his voice again, that Fondaviela, the military governor, and Marury, the alcalde—the jailer—had come about 10 o'clock. These men had a big cell on the courtyard, and could see about everybody who came along the narrow passageway on which were these cells, in one of which Ruiz was imprisoned. They described that cell and I went and looked at it. It was located—you could not measure it. They had a little aperture where they could pass in food, and looking through there I should say it was about 5 feet 6 by 3 feet 6, about 7 feet high. It may have been a few inches longer, as I say it was impossible to measure it, and it was almost dark there, and I could only look through this ventilator or peeping place. Dr. Burgess and Mr. Lee also saw it.

Q. What did these other prisoners think was being done to Ruiz while he was uttering those cries?—A. That he was being beaten for the purpose of getting him either to confess what he might know, or what he did not know.

Q. Did they profess to hear the sounds of the beating?—A. Yes, sir; they said they could hear the sounds of blows distinctly.

They then carried Ruiz's body from the prison to the city hall, and finally the two Spanish surgeons turned up and the autopsy began. I was present and saw this. I helped carry the body myself and put it on the slab. Dr. Burgess stripped him of all his clothes and the regular medical autopsy was performed. In the first place, it was evident—according to the Spanish story this man had only been dead about five hours when we got there, but the state of decay in which he was would lead you to believe that he had been dead for at least thirty hours, although, of course, decay sets in very rapidly there. His whole right hand was crunched up and mashed as if the componte, or at least a very crushing torture, had been used.

Q. That is a mode of torture used?—A. Yes, sir; I have never seen it.

Q. You say the hand was crushed. In what way?—A. The hand was out of shape. I have seen a man very badly hurt at football or crushed by a horse, and it was something like that, crushed up together [illustrating], but it was hard to get at its condition exactly, owing to the state of mortification; but it was not all mortification, because the other hand was perfect. The forearm of the right arm, the arm with which a man would naturally defend himself from blows, was all marked with welts. They were bruises like those received in single stick without a basket, the same kind of welts that would be received from blows made from a hickory stick. Dr. Burgess examined his head very carefully. Ruiz was a man of long black hair. Right at the top—

Q. What we call the crown?—A. Yes, sir. Dr. Burgess shaved the hair away, and there was disclosed a wound about an inch and a half long and about three-quarters of an inch across. This wound was a severe one, but had not fractured the skull.

Q. Did it cut the scalp?—A. Yes, sir; the bone was laid bare, but the bone was not fractured. The investigation showed that he had died from concussion of the brain, caused by the impact of this blow.

Q. Did Dr. Burgess make a declaration to this effect in the presence of the Spanish officials?—A. I do not think that he made any statement

whatever. They brought out a long written statement they wanted Dr. Burgess to sign (Dr. Burgess and Mr. Lee), and they would not sign it.

Q. To what did that statement attribute his death?—A. To accident; that he had died; met death at his own hands, or something of that kind. Neither Dr. Burgess nor General Lee would sign any statement at all, and the Spanish officials were very much displeased with that. We went to see the widow, General Lee and myself and various other people, including the brother-in-law, to get all the information we could as to the circumstances of the case. There were a great many stories, some of which reached General Lee entirely through Spanish sources. This man had married into a Spanish family. His wife was a Catalan, and all her relatives were Spanish, and there were various stories from them describing how this man had been murdered in his cell, I do not know whether true or not; but it seems to me that the stand taken by General Lee on the matter was a proper one, and that stand was that whether the man met his death at the hands of one of his jailors or, after being subjected to this treatment for fifteen days, he went mad and killed himself, it was all murder.

Q. What was this governor's name?—A. Fondaviela,

Q. These prisoners fixed the hour, the time of Ruiz's death, by the cessation of his cries?—A. Yes, sir.

Q. Did they say anything to you as to whether, on the night before his cries ceased, these Spanish officers went to his cell?—A. Yes, sir.

Q. Who were with him?—A. Fondaviela, and the alcalde, Marury, and several jailors.

Q. What did they say to you, if anything, as to hearing the sound of blows or cries from Ruiz after these men went to his cell?—A. They stated that they did hear cries which lasted up to 11 o'clock, and they said that he was evidently being tortured in a terrible way.

Q. Did they say whether the cries ceased gradually or suddenly?—A. They did not say.

Q. Did they see these Spanish officials come out that night?—A. They were not able to see them either go in or come out of the cell; they saw them go down the passageway and come out of that passageway about 11 o'clock at night; they could not see them enter the cell itself.

Q. Did they overhear any conversation?—A. They did not.

By Mr. MORGAN:

Q. You did not have an opportunity of seeing the cell in which Ruiz died?—A. I saw it through an opening.

Q. You did not see it distinctly?—A. I could not see as to the exact measurements; I could see that the floor of the cell was covered with human excrement, and it was in the same condition when he spent fifteen days in it.

Q. When you saw the body, it was in one of the larger cells, and was carried from there to the city hall?—A. Yes, sir; to the city hall building.

Q. Was the body dressed for burial when you saw it in the larger cell?—A. Yes, sir.

Q. Do you know who did that?—A. His wife sent around a suit of clothes for her husband, but, as she met a man walking on the streets the next day wearing this suit of clothes, she concluded that her husband was not buried in them.

Q. Was Madam Ruiz at the autopsy?—A. No, sir.

Q. Did you see anything of the piece of furniture spoken of, which she sent to him—a chair?—A. Yes, sir.

Q. Did you examine it?—A. Yes, sir; very carefully.

Q. Did you see an inscription on it?—A. Yes, sir.

Q. What was it?—A. It was a long inscription, about eight or nine lines long. It was about this: "Good by, Rita," that is the name of his wife. He then mentioned the names of his five children, good-bye to each one of those. He said: "Be obedient to your mother," and then there was a very curious expression nobody understood. "If they take me to Havana, tell all." Then the last word: "Me maten"—they are killing me. That was the last word of one of the last sentences. It was a long inscription. It was on the seat of something like a summer chair, that had a soft, thick varnish, and all around this and the arm the man had cut it with his finger nails. It began on the right side and ran all around the rim. I understand it is at the State Department now. I saw it in the consulate-general at Havana.

Q. Where did you first see it?—A. At the consulate-general's.

Q. You did not see it on the day of the autopsy?—A. No, sir; the jailer had a very kind-hearted wife, and she had taken pity on the condition of this prisoner, who could not sit down or lie down except in his own filth, and who was so patient in it all. Mrs. Ruiz had come to see her husband several times, but was never allowed to see him, and one day she asked her to slip a chair in to him, and this was the way this chair was got in, on the thirteenth day of his imprisonment, and probably in the intervals of his torture he had written these words with his fingers.

Q. Any question raised in the autopsy, in the presence of the Spanish officials, as to whether he had been incommunicado during all the time of his imprisonment?—A. It was never denied; it was admitted. Fondavielas said so, Marury said so, the jailer said so. They did not begin to deny that that morning; they had not well schooled Dr. Vidal when he came in. He was over at the military hospital when he was sent for, and when he came into the large, well-lighted, spacious hall he said: "You have brought him in here, have you?" He had not then been well instructed that the Spanish contention was to be that he had been in that cell during all the course of his imprisonment.

Q. Are the executions of the prisoners at Morro Castle and elsewhere frequent?—A. The shootings?

Q. Yes, sir.—A. They are very frequent; I have seen many at the fortress of San Severino, at Matanzas, from a distance; I went to one, was as close as to you, at Havana; I felt it my duty to go and see one of the poor boys shot in the laurel ditches there at Havana; the others I saw were from a distance, and because I could not help seeing them; the lists are kept in the fortresses publicly, and anybody can go—thousands do go. In Havana, all through the early spring, certainly the average of executions was more than a man a day. Many of the mornings four or more were killed. This morning that I went a man told me a Spaniard said there would certainly be either a shooting or a garroting, both or either of which he thought would be interesting, and so I went.

Q. Is there anything further you wish to add?—A. No, sir.

The foregoing is a correct transcript of my testimony, given before the subcommittee of the Senate Foreign Relations Committee on June 11, 1897.

STEPHEN BONSAI.

NEW YORK, June 22.

**STATEMENT OF DR. F. R. WINN ON THE 21ST DAY OF JUNE, 1897.**

Dr. WINN was sworn by Senator MORGAN.

By Mr. MORGAN:

Q. What is your name, age, and place of residence?—A. F. R. Winn; residence, Sherman, Tex.

Q. What is your profession?—A. Doctor—physician.

Q. Have you been in Cuba recently?—A. Yes, sir.

Q. When did you return from there?—A. I returned on last Wednesday.

Q. Are you a surgeon in the Cuban army?—A. Yes, sir.

Q. What is your rank?—A. Captain.

Q. When were you made a captain in the Cuban army?—A. The 18th of April.

Q. Of the present year?—A. Yes, sir.

Q. Had you been with that army before that time?—A. No, sir.

Q. From what point did you go to join the army?—A. Havana.

Q. Havana?—A. Yes, sir.

Q. Where is your place of residence?—A. Sherman, Tex.

Q. When you first went to the army, with whom did you connect yourself as surgeon?—A. General Castillo.

Q. Where was he?—A. At the time he was near Managua.

Q. In what province?—A. Havana.

Q. Since that time with whom have you served in that capacity?—A. With—

Q. Sir?—A. I was head of the capitan de sanidad, chief of the sanitary corps. I was made chief of the sanitary corps.

Q. A place in independent command of the sanitary corps?—A. Yes, sir.

Q. Of the entire army?—A. Oh, no; of that province.

Q. To whom do you report as chief of the sanitary corps?—A. No one.

Q. From whom do you take orders?—A. From the chief of province.

Q. The chief medical director?—A. No, sir; the chief of the army.

Q. Of the province?—A. Yes, sir.

Q. Since you have been in the army as surgeon, have you been with General Gomez?—A. No, sir.

Q. Have you seen him?—A. No, sir.

Q. You were only with General Castillo?—A. I was with the sanitary corps; I did not go with the general at all unless it was on some



commission or at his request. I would go with him to some part of the province in anticipation of a fight, to be close to where he expected wounded men. He would ask me to go to the field, but otherwise I would spend my time visiting the hospitals.

Q. In what province have you been since you have been in Cuba?—

A. Havana province all the time, except three days when I crossed the trocha into Pinar del Rio.

Q. What arrangements have the Cuban insurgents in respect to hospital service?—A. The Cuban hospital is a patch of brush—which in that country is very scarce; there is no uncultivated country—and their wounded men are carried after the battle, or a man who is unable to mount his horse from sickness, is carried into this brush, and for each man unable to use himself we must have two nurses, two men to carry him, in case of an invasion by the Spanish army. I had six of these hospitals under my personal supervision, and I moved them about fifteen times in about twenty days, making an average of about a day and a half for each position for hospital. The Spaniards would come to a hospital and they would machete everybody they caught, nurses, wounded, sick, doctors, or anybody else, and on that account they would have to break up and get out of there, and they would get into the brush and hide until night, and then sneak away to another brush hospital, and remain there until the Spanish invaded that brush, and then go back to the other brush, and so on.

Q. How did you get any hospital supplies to provide for these establishments there?—A. In every way possible. They send some supplies on expedition, but it was very little. I do not remember having seen any quinine among the medicines sent on expeditions, but I did receive some disinfectants, bichloride of mercury, and some bandages. I bought most of my supplies from the town, my chloroform, instruments, and everything of that sort.

Q. How did you get access to the town to make these purchases?—

A. I would have a man in commission near the town, and the concentrados would come out after sweet potatoes, and the insurgents regard the sweet potatoes as belonging to them and do not allow them to be carried into the town without the tax being paid. Those we could trust we allowed to carry sweet potatoes in and had them in our service, and furnished them money to buy medicine.

Q. They would smuggle it out to you?—A. Yes, sir.

Q. Is there any prohibition against furnishing you medicine on the part of the Spanish?—A. Yes, sir; it is much more difficult to get medicine than it is to get ammunition or arms. You can buy a rifle or ammunition at any time, the soldiers sell them, but the medicine is sold in the drug store, and no one is allowed to buy medicine without a doctor's prescription, and the doctors are usually in the Spanish Government in the towns.

Q. What about the strength of the insurgent forces in the part of the territory you have been in?—A. Some time early in May the Herald correspondent at Havana sent a question to that effect to General Castillo, which he asked me to answer to the Herald correspondent. The general sent his chief of staff with the records to my hospital at Menocal, and at the same time furnished me with an escort and placed an officer at my disposal to visit all the offices in the province and get their records, and I copied from them, and with all the reports from the offices I sent to I summed up 4,700 men armed and in operation, and we estimated the recruits from all sources were equal to the losses from all sources, and in that report I had then there were 4,700 men armed and present.

Q. In that department?—A. Yes, sir. That excluded those in hospitals and those in commissions, collecting taxes, etc.

Q. Are those troops well provided with subsistence and clothes?—A. Well provided with subsistence—that is, healthy, plain nourishment, sweet potatoes, beef chicken, salt—but very poorly clothed, because they are a people that had never been in the habit of wearing much clothing, usually only an undershirt and a pair of trousers; in fact, I was well treated with a shirt and pair of trousers myself, but it is possible for a man to dress as well as he likes to if he has money.

Q. What arrangements, in the province you have been in—Havana, I believe you say—if any, for the manufacturs of shoes or clothing by the Cubans?—A. None at all. The province is so small and the country so open there is no place to hide, and to establish any factory of that kind it would be necessary to put the whole force around it to guard it, and Spain is able to send 10,000 men to any point at any time. The towns are only a mile apart, or 2 miles at the most, and it is much easier to buy from the towns, and we do that altogether.

Q. Have you seen any factories or establishments of any kind in Cuba for the manufacture of shoes or clothing in any part of the island you have been to?—A. No, sir.

Q. Do you know, by common reputation, whether such establishments exist?—A. Yes, sir; in the eastern part of the island, and down as near as Santa Clara, the Cubans manufacture saddles and these pouches in which they carry ammunition, etc., and secretaries' pouches, shoes, and most anything they want.

Q. Havana Province, then, is one that is open and has a number of towns in it?—A. Yes, sir; it is the smallest Province in the island. You can ride across it either way in a day, easily.

Q. Has it a heavy rural population outside of the towns?—A. It has had before the war, but not now.

Q. Why?—A. They have concentrated in the towns until the radius of concentration in the little towns out there is not more than—well, in the largest towns outside of Havana the radius of concentration is not more than a mile.

Q. How much?—A. A mile. They have concentrated, outside of the city of Havana, about 80,000 paisanos—farmers.

By Mr. CLARK:

Q. About how many?—A. Eighty thousand.

By Mr. MORGAN:

Q. Does that cover the whole province, or one locality?—A. The whole province.

Q. In the province of Havana the concentrados number about 80,000?—A. Yes, sir; outside of the city.

Q. What class of people constitute these concentrados?—A. Small farmers, renters, what we would call in this country, I suppose, tenant farmers; a good many storekeepers. Out there they have these small stores scattered all over the country. It is a very old country, and near the sugar plantations or in the thickly settled community they would have five or six of these small grocery stores to sell groceries, small articles, and drinks, etc.—to sell everything; and those people have been scattered and their stores burned. They are loyal; but the greater part of the concentrados are little farmers who were unable to get out of the island, and did not care to join the insurgents, and wanted to get to town; lived in bad houses, which the Spaniards burned. The Spaniards burned all these houses, all the wooden houses.

Q. Was that generally through the Province of Havana, the burning of houses of the common people?—A. Complete; all burnt; none left standing.

Q. None at all?—A. None at all; not a house left standing outside of the fortification.

Q. Have you been about these concentration settlements after the people had been concentrated?—A. No, sir; but I have seen them. They come out for sweet potatoes.

Q. You have not been among them?—A. Yes, sir; about twelve hours, while coming into Havana.

Q. Describe them as to health, means of subsistence, shelter, clothing, etc.—A. They have no way of earning a living. If they care to take the fruits which grow inside the concentrated lines to town to sell they must pay the Spanish officers half they receive; if they take the sweet potatoes in the field they must pay a tax on them and then sell them and pay the Spanish officers half; and, consequently, they are not able to earn a livelihood. They are lucky if they get enough to eat, and very few of them do get enough to eat. Those who are in better circumstances, who have enough money and are not in sympathy with the insurrection, who carried in the cattle with them, live along, kill one of the cattle once in a while, and sometimes a hog, and live better than the Cubans, and manage to get along. The Cubans who are concentrated are not able to earn anything. They left their cattle in the fields and were not able to bring in anything. They were ordered to town immediately, their house was burnt, and they lost everything. You can build a house in any part of the island—you can build it in fifteen or twenty minutes.

Q. What sort of a house is that?—A. It amounts to about as much as a tent in America. It is a palm-leaf hut; it is dry—keeps out the water. Concentrated line will be strung out about these towns under the command of one general. Another general will come to town and say, "This line is too big; you have too much communication with the insurgents; come in here; make the lines smaller." Then they burn the houses again and move them in closer. In a month or so another general will come to town, and he will say, "The people are too many here; the lines are too close; there is too much disease," and he will move them out. In another month or so another general will come to town, and he will move them in again, and consequently they are kept constantly moving. Disease is very rife; they die fast, are killed by the soldiers, exposed to all sorts of indignities, have very little to eat, and no clothes, and consequently are in very bad condition.

Q. You speak of sweet potatoes. Do they cultivate them themselves or are they native growth?—A. No; the potatoes in the province have been planted by people who lived there before the concentration, but the crops continue. The rainy season has come now, and it will rot the crop; but as soon as the rain is over they will spring up again, almost as good as the other crop.

Q. Does that continue without intermission?—A. Yes, sir. The yucca does not rot; that continues to grow, anyhow.

Q. Is that about what these people have to subsist on, what they get out of the earth?—A. Yes, sir; and fruits.

Q. What is the effect (you are a physician and you saw the people—you say you came through their lines) on their health and general condition?—A. It is terrible.

Q. In what regard?—A. They are without food, without any means of earning a livelihood, and they have absolutely nothing to do but to

stay inside the lines and sleep about like so many cattle concentrated in the pens; consequently when disease strikes a household they go, one after another, until all are dead.

Q. The mortality is great?—A. Yes, sir.

Q. Can you identify, from personal knowledge any of that mortality as from starvation?—A. I do not know that I could say that any had actually starved to death, but I have seen, in a house the size of this room, twenty sick people.

Q. What disease?—A. Fever, malaria, and what they call peludica and chagres—I do not think it exists in this country—and the other diseases to which the Cubans are subject, smallpox—no yellow fever; Cubans do not have yellow fever. You might say smallpox, dysentery, and malaria.

Q. Do you mean a native Cuban does not have yellow fever?—A. Well, take a Cuban out of the mountains and bring him down into the bottoms, to a settlement where malaria and yellow fever are rank, and it is possible he may have it, but as a general thing native Cubans are inured to yellow fever; they do not have it.

Q. Are these other diseases largely fatal?—A. Yes, sir; malaria is one of the most fatal diseases where it is allowed to run its course, as they do where they have no money to buy quinine. It is not if it is checked by the use of quinine.

Q. Are these little palm-leaf huts furnished with any furniture or conveniences for living?—A. No, sir. Some have a chair—you can get a chair pretty near any place in the island. I could camp any place in the Province and have a chair to sit down on in five minutes. The whole island is strewn with chairs, sewing machines, tables, and household articles, etc.

Q. Broken out of the houses?—A. Yes, sir. These concentrados can not come out for them, and they make their chairs and provide the houses pretty well.

Q. By whom has this wreck of the houses been conducted and carried on?—A. The large stone houses, of which there were a good many in that Province—the wealthy people's houses—were destroyed by the insurgents, as they regarded them as possible fortifications for the Spanish army. The little wooden houses, the small houses, were destroyed by the Spaniards.

Q. You speak about the hospitals in Cuba having been invaded by the Spaniards—the Cuban hospitals. Have you any personal knowledge of such raids?—A. Yes, sir; a good deal of it.

Q. Proceed to tell the instances, as near as you can the dates, of these different cases?—A. The first invasion I remember, that I had anything to do with, was about the 1st of May. I had established an emergency hospital in a place called El Ojo de Agua, near Managua.

Q. One of these brush hospitals?—A. Yes, sir; alongside the mountain—

Q. You mean you had constructed your hospital house out of the palm you have just been mentioning. Is that the way you constructed these brush hospitals?—A. Usually we just get into the brush and lie on the ground. When the Spanish invade hospitals you have not the time to carry away hammocks and fixtures, and it takes two or three days to get out and get the leaves and bring them into the brush. You must let the leaves fall, for you can not climb the tree, and before you have time to construct your house you must move.

By Mr. CLARK:

Q. Your hospital is simply a location in a brush?—A. Yes, sir. If we are allowed to stay forty-eight hours, we will have some houses; if we have to move earlier than that, we will not.

This first place I thought was a very safe place. I do not think I would have gone in there at the head of an army myself. I only had an emergency hospital there. It was close to where the forces were operating, and the other hospitals were rife with infectious disease, and I wanted an acute surgical hospital, and to avoid infection and get better results I established this hospital, and had received about fifteen patients and about twenty-five visiting patients—men wounded in the arm, leg, or anywhere, and unable to fight. Men will not go to the hospital as long as they are able to walk. Coming quite often, they made big trails, and one morning I got up—I slept in the brush out in the wood; I never slept in the open—I came down and I saw about ten or fifteen wounded men on the floor, and I asked where there had been a battle. They said the hospital at Menocal had been invaded and these men had come from there. I dressed the people—they had old and suppurating wounds that had never been dressed, any of them, but I dressed all their wounds and attended to them and my people, and about 12 o'clock had them very comfortably located. About 12 o'clock there began to come in more patients, and they told me they came from Lastre; the hospital had been invaded the day before. That was established about 7 or 8 miles from there. By night they began to come in from a place called La Loma de Santa Barbara. I had about that time sixty-five patients, wounded men unable to walk. I did not like it much, and I sent out word to the other hospitals to stay away from me, as I did not want to get that hospital full of infection, and I would visit at their places. The next morning at daybreak the soldiers were in the hospital. I did not have any armed men; I had arms myself which I proposed to use to protect my own life on any man I had to deal with. About 4 o'clock the soldiers from Managua, about a quarter of a mile or perhaps half a mile, came right on this place. We could see them from the woods, and the men began to pick up their patients and carry them out. They got them all hid in safe places in the brush, but the soldiers went through and destroyed everything they found, hammocks, etc., but did not catch anybody to kill. By night I had them back again, and worked on them to get them in shape once more, but the next morning the soldiers were on us again, and they surprised us this time, as we did not expect the second invasion on the same day, and they caught four men and killed them. I had the men scattered around then, had them there hid, and told them I would have men carry out sweet potatoes to them at night and I would dress their wounds in the daytime and try to make the rounds. I started out the next day and got around to see nearly all my patients. The next day I started back, and I would find an empty hammock and a dead man macheted, and where I left the patient alive and wounds dressed, I would find a dead man, some from the effects of their wounds or some from typhoid fever—I had four cases of typhoid fever. I was about eight days making my rounds, with very little to eat myself, as I could not make a fire in the daytime. I had one patient, a man over at La Loma de Santa Barbar, of which I was very fond, and I went over to see him. I got over about dark and found him macheted. I hung up my hammock near where he was killed and told the men to bury him; and they started to bury him, and up came a little boy, and he said that if we were burying people his father and mother had been killed, too, and to

bury them; and he took us over and showed the father and mother and another young man, and I told the men to bury them, and the boy said there were others, and if we were burying them we might as well bury them, too, and I told the men to stop their burying then. I got up in the morning and found they had killed my patient and twelve pacificos, among them three women and two children—I would say babes—about this long [indicating], if the pieces were properly put together. They had been held up by the legs this way, and split down with the machete. They looked to be about 25 or 30 inches long, about a year old. I had them all buried and took the little boy with us—took him away from there. The boy told us about it, but he could not make a clean explanation to me, as I could not speak Spanish well enough to understand, and my men could not speak English. A day or two later my interpreter, who had been on a commission with General Castillo, came and I had the boy tell his story. He said Pizarao's men had seen the smoke from their fire and gone in to investigate, and had come upon the wounded man who was alone, and they told the wounded man they were going to take him to town. They rolled the hammock up and were going to make him go to town by using a crutch, and seemed kindly disposed—seemed to want to take the man to town by killing him. About the time they were ready to start, up came the pacificos with these two men—and the two men had a cup of coffee they had been to make for the wounded man—and the man in command stepped up to take the coffee which they had brought, but they handed it past him to the patient, and as they did that he threw out his sword and killed the patient; and by this time the soldiers had killed the two men and then they killed the others.

Q. Was this work done by guerrillas or regular Spanish troops?—A. By a detachment from Pizarao's regiment. Pizarao's cavalry is the regiment Spain expected to crush the revolution.

Q. An old organization?—A. Yes, sir; and the best regiment on the island in every respect.

Q. Have you seen prisoners taken by the troops of the officers with whose command you have been serving—Spanish prisoners?—A. Yes, sir.

Q. Tell what treatment they received at the hands of the Cubans?—A. All the Spanish prisoners I saw with the exception of two were wounded men, and they were turned over to me and received the same treatment the Cubans did.

Q. You speak of two who were exceptions; what was done with them?—A. They enlisted in the Cuban army and made brave fighters, but before I left were both disabled for life, wounded. They were also from Pizarao's regiment.

Q. Has there been much desertion from the Spanish army to the Cuban forces?—A. Yes, sir; and always propositions to desert, which the Cubans reject, as these men do not make good fighters ordinarily. They must know something of the man, about his record and the regiment to which he belongs, before they will take him.

Q. When deserters come in not disposed to take arms on the Cuban side, what becomes of them?—A. If they bring arms with them, they are allowed to remain; their arms given to the soldiers. If without arms, they are sent back to town.

Q. Is there any considerable number of Cubans in the Province of Havana, where you have been chiefly, that are ready to take up arms in behalf of Cuba—in behalf of the Republic—when they can get the proper equipment, guns, etc.?—A. I would say I know personally that

it is so. In my visits around there, I found that there were concentrated round about the hospitals about 1,200 or 1,400 men who had promised to take arms when they are furnished with them, and expressed a willingness to do so; but whether or not they would, must be decided when the arms come.

Q. Are the Cubans attempting to raise any crops in the province of Havana?—A. No, sir.

Q. Where do they get their supplies from?—A. From the crops already planted. They have never been out of provisions, yuccas, yams, etc.

Q. They are not cultivating now?—A. There is too much cultivated now.

Q. You are getting supplies from the places where the houses were burnt and the crops left standing?—A. Yes, sir.

Q. An abundant supply?—A. Yes, sir.

Q. How about the cattle; plenty of it?—A. Yes, sir; plenty of cattle; but at the present rate I think they will use up the cattle outside the lines in the next seven or eight months, when they will have to go inside the lines and drive out those there.

Q. What do you call the "lines?" You mean in the towns where the troops are stationed, or is there a dividing line?—A. We call the line of concentration around the towns the lines.

Q. How are these men armed, the forces you have been operating with?—A. With Remington rifles, machetes, revolvers, and some Mausers.

Q. Mounted, usually?—A. Yes, sir; all the force I saw was mounted. There was a force of infantry in the province, where I never saw them.

Q. Have you witnessed any operations of what is called, or is, the civil government in Cuba under the Republic?—A. No; with the exception of the collection of taxes under the management of prefecturas.

Q. By whom are the taxes collected?—A. The first of each month each regiment is ordered to place so many men in commission to collect taxes in his territory. That force is changed each month; they relieve the men the first day of each month.

Q. Do they collect the taxes?—A. Yes, sir.

Q. From whom?—A. From the railroad companies, from the plantations still running, and from charging a tariff on everything that goes into the town.

Q. They charge export duty?—A. Yes, sir.

Q. They permit food to go into the towns if they will pay the tariff?—A. Yes, sir. If they have plenty of fruit in that province. In some places they are not allowed to accept a tariff on fruit, because the fruit is scarce in that territory. In others they can sell as much as they please.

Q. Are they allowed to carry in poultry, etc.?—A. No, sir.

Q. Just fruits and vegetables?—A. Yes, sir.

Q. Tell us about the spirit of the soldiery down there on the Cuban side; whether coerced to fight, or whether they fight willingly?—A. The men who live in Cuba libre are men who fight for the country. They say they will fight until they die, or live always in Cuba libre; they do not propose to live under the Spanish Government. The Spaniards talk of autonomy, and the soldiers wonder what they mean. They say: "What do we want with autonomy? We have autonomy here; we live in Cuba libre. If the Spaniards want autonomy, they might autonomize their own army." They read in the papers sometimes that there is talk of Spain selling Cuba to the Junta, or that the Junta wants to

buy the island from Spain. They are not men who want to surrender or pay a cent for their independence, and they protest that the Junta has no right to pay for independence. They say: "We have fought for independence and Spain must necessarily, sooner or later, leave the island. They are afraid to send their soldiers down to fight us; let them autonomize their own forces, but we will live in Cuba libre."

Q. That is the spirit with which they meet these propositions?—A. There is not a man in the army—fighting men—who wants to surrender; there are some who are not soldiers and never will be soldiers in any army—presentados.

By Mr. CLARK:

Q. What do you call them?—A. Presentados, surrendered people. You can pick up a paper and see a list of surrendered men who have come into the Spanish forces and surrendered. They are people who came to America, ran away from Cuba to America, and came to the Junta and were a charge on the Junta, and to get them off their hands they sent them back to the insurgent lines. For the most part they were young men who lived in Havana; dudes, as we would call them here; some bachelors, with a diploma from a college. They would come back to Cuba with their diplomas and call themselves captains, majors, and colonels, and they would come up and represent themselves to the men who have been fighting in the field for two years, and they would say, "We come from the Junta, and you get us a horse and a negro and we want commands in the army," and the officers would say, "You get yourself a horse and a negro, if you want them, and get to fighting," and they would fight for a day or two, and then slip into the brush and wait their chance to come into the Spanish lines. There is another class of presentados called maja, who are in the woods. They took to the woods when the orders of concentration came. They are supposed to be there to fight when arms are sent to them. When arms are furnished them, they are ordered to the force to fight. About 40 per cent of them sneak into the first town and surrender. They will not surrender until they have a gun, but when they have a gun it is a sort of guaranty for them. That is another kind of presentados.

Q. The men in the ranks—you have seen them in battle?—A. Yes, sir.

Q. Often?—A. Every day.

Q. They were fighting every day?—A. Yes, sir.

Q. You mean that the Cuban army in Havana Province is actively engaged in carrying on the war?—A. There was not a day, between daylight and dark, when I could not hear the guns going, or if I was out marching, going to my hospitals, that I could not see more or less fighting.

Q. Do they fight with courage and spirit?—A. I will have to explain something of the situation there. You know each man, each colonel of a regiment, is given a territory to keep, and he must keep that territory at all cost, at any expense stay in it and keep the Spanish soldiers out of it. The Spanish soldiers never operate unless in a column, about 1,200 men, and most of the time a combination of other columns. For instance, there will be a column spread out from a town here and another town here, and a town here and another town here, all in sight of each other. Here, now, is the colonel's territory, an insurgent colonel, and he is supposed to keep that. In every one of those towns is a volunteer guard and guerillas, and every night they will camp the column of soldiers who have been operating in the hospitals in one of these towns. Every time when they decide to prosecute a vigorous



campaign they will try to catch this colonel. If he has 400 men he will have them divided into squads, one here, another here, and another there, and so on, and they have it arranged that if a column comes out and starts a fight another column can come out quickly and capture the insurgents, and when these columns are operating the insurgents march around and try to avoid wasting any ammunition—they march around and try to evade the soldiers. They will chase them around for two or three days and then let up. Maybe another leader will adopt different tactics, and he will send out a column here and another there, and they will split up into columns of 300 or 400 men each. Every morning we know what they are going to do. We have commissions in the town, and every night they send out word from these different towns. If word comes that small groups are coming to catch us, for instance, when these small columns come in sight the colonel will move off, leaving a small guard to attack this column and another guard to attack this column, and another guard for another column, and we will chase them around until we get them into different places, and then the force will reconcentrate and give them the machete, and so we can, in two or three hours, catch the whole batch and machete them.

Q. The first point is to break up the organization of the Spaniards by attacking in different directions?—A. Yes, sir.

Q. When that is done, the Cubans reconcentrate and attack the small parties?—A. Yes, sir; it would be folly to stop and make a pitched battle; it would be suicide.

Q. Does this general with whom you are serving have any artillery?—A. No, sir.

Q. Nearly all mounted?—A. Alexander Rodriguez, chief of the province, had artillery. General Castillo was brigadier-general and commanded the central and western divisions of the province.

Q. Rodriguez had artillery?—A. Yes, sir.

Q. Were you with him at all?—A. I met him twice.

Q. What was about the strength of Rodriguez's command altogether?—A. Rodriguez's command was the whole province.

Q. And you have already stated that?—A. Yes, sir; he operates, himself, with a personal escort of a regiment, between 350 and 400 men.

Q. The real point in the tactics of the Cubans was to avoid general engagements and harass the enemy when they could get to him?—A. Yes, sir; to fight cavalry always, but infantry it is hard to fight without making a pitched battle. They fight cavalry always.

Q. Wherever they meet it?—A. Yes, sir; but when the soldiers come out they are not very troublesome. For instance, they will come out of a town and march in sight of the insurgents and open fire. They are not in a distance to hurt and the insurgents do not care much, and they stay there. The Spaniards stand there half a day and shoot away and then go back to town. It is only occasionally they get troublesome.

Q. When the Spaniards are out on these forays or strategic movements, do they carry any provision trains with them?—A. No, sir; always go back to town to camp.

Q. How is the Spanish army subsisting; do they have depots of provisions?—A. I don't know much about that; I am not able to say, as I was on the other side. I never saw them in the field with anything to eat. They always go to the nearest town at 5 o'clock to camp, and if they do not like their food they throw it away and send word to us to let them come out and fight, if they will feed them, and the insur-

gents tell them to go back and starve to death and then Spain will take them home.

Q. How did you get away from there when you left to come here?—  
A. Through Havana.

Q. In disguise, I suppose?—A. No, sir; dressed like I am now; just the same.

Q. Anybody arrest you, or attempt it?—A. No, sir.

Q. Why did they not? They had opportunities, I suppose?—A. They thought I was dead, in the first place, and did not know me, anyway. They knew me at the palace, but I didn't go to the palace.

Q. Had you contrived to leave the impression that you were dead?—  
A. No, sir; it was accidental that they thought I was dead. They had all my papers at the palace; have them yet, and reported so from the palace. Those who were on the inside got the news of my death from the palace and sent it to the States. A friend of mine knew I was not dead, but he was afraid to correct the impression, for fear it might injure me, and also him.

Q. Have you ever been engaged in any military operations, except as a surgeon, with arms in your hands?—A. I always carried arms.

Q. Have you ever engaged in battle?—A. Only when necessary to cut my way through.

Q. Never been regarded as a soldier?—A. No, sir.

Q. You were not a regularly enlisted man?—A. No, sir; a volunteer.

Q. Volunteered as a surgeon?—A. Yes, sir.

Q. From your rank as a surgeon and the fact that you were only employed in that benevolent work, would the Spaniards have killed you if caught?—A. They sent me word to that effect; in fact, the same colonel that took my clothes and papers to the palace and reported me dead had sent word that I was a rebel, and his policy was to kill all rebels, and if I ever fell into his hands he would kill me, and for me not to attempt to bribe him with a cup of chocolate. I had sent him a cup of chocolate, of which I had some, into the town by a pacifico woman.

Q. How did you get that chocolate?—A. Bought it.

Q. Do they raise anything of the kind in the island?—A. No, sir; I bought it in the town.

Q. Is it the product of the cocoa bean?—A. I do not know; in fact, I never paid much attention to chocolate or cared for it until I went there.

Q. Does coffee grow there?—A. Yes, sir.

Q. Abundantly?—A. No, sir.

Q. Cultivated or wild?—A. Wild.

Q. Is it a good berry for food?—A. Very good. It is about all used up when I got there. I never saw any of it growing, but I stopped one night at a prefectura and the men were all cleaning coffee, and that night I had some, and they gave me 2 or 3 pounds of it, and I carried it in my pocket and used it.

Q. The Cuban army is all supplied from the country?—A. They do not have much coffee, and what they usually have is bad.

Q. The coffee is grown in the country?—A. No, sir; I do not think it is. There would be no necessity to buy it if grown in the country.

Q. Are there any districts where the coffee grows wild, or are there coffee plantations?—A. There are coffee plantations in the other parts of the island—in the other provinces, but not in Havana.

Q. Do you get your supply from the other parts of the island, or from Havana, or from the towns?—A. We buy it in the towns. The chiefs only have coffee; it is very seldom soldiers have any.

Q. In Havana province?—A. Yes, sir. Sometimes the friends will send some out from the town.

Q. It is a sugar district?—A. Yes, sir; the finest plantations, I reckon, on the island.

Q. Is the cane destroyed?—A. The Spaniards destroyed a great deal of cane, but they do not know how to destroy cane, and consequently it grows up again. You can get plenty of cane to eat, if you want to cut it down.

Q. Do they give it to their horses?—A. Horses will eat it, but I don't think it is very good for a horse.

Q. Is forage abundant to support the horses of the Cubans?—A. Oh, yes.

Q. What kind?—A. We have had plenty of corn until now, and I think the corn will last, maybe, the rest of this month, until the rainy season comes; after a rainy season the corn will grow up again in two or three months, and until then they will eat the grass.

Q. There is plenty of that?—A. Yes, sir.

Q. A good grass country?—A. Yes, sir.

Q. Do they make hay of it?—A. Yes, sir.

Q. Is it very abundant?—A. Yes, sir; and as good as it is here; it will grow as high as on the prairie; the grass will grow there in the trails or anywhere else.

Q. Are these engagements you have been speaking about, and which you saw the troops at war with each other, in the vicinity of towns and villages?—A. Yes, sir; very hard to be away from the vicinities of towns and villages in Havana Province; always in sight of a town.

Q. Always?—A. Yes, sir; I could see a town any time I was in the war by walking to any little elevation, and it was never more than a mile to some town.

Q. Take the great body of the Cuban people of all classes—I mean, now, those in the country you have visited and see yourself—are they in favor of fighting for their liberty, or are they opposed to it or indifferent to it?—A. In favor of fighting for it.

Q. Is that a determined spirit, as you understand it—a determined and well-settled purpose on their part?—A. Yes, sir.

Q. You spoke about the collection of taxes, and said something, also, about the civil government. In what other respect besides the collection of taxes does the civil government operate among the Cuban insurgents?—A. The Cuban government really has no operation except in the prefecturas, and the captain of the prefecturas is the chief. The laws of the civil government are executed there, but there is no law necessary. The military government is all that is necessary, as there are no families living there, no farms in operation; everything must be under military command. But the taxes are turned in to the civil governor of the province.

Q. Are they judicial officers or merely executive officers?—A. Both.

Q. Are there any exclusively judicial offices?—A. No, sir.

Q. You speak of the taxes?—A. That goes to the civil government—that is, what is not paid to the soldiers. On the 1st day of May and the 1st day of June each soldier got a gold centime.

Q. How much is that?—A. \$5.30.

Q. Paid the 1st of June and the 1st of May?—A. Yes, sir.

Q. Paid for wages?—A. No, sir; it was given to them; they are not fighting for wages.

Q. That was a present?—A. Yes, sir; it was given them to buy whatever they wanted—cigarettes, hat, pair of shoes, or anything they wanted.

Q. Are rations served to them?—A. No, sir; each man provides his own rations. They eat together in messes, and one man provides beef, and another salt, and another sweet potatoes; each whatever they have.

Q. They make up a fund and buy it?—A. They don't have to buy it; they dig it up.

Q. How about the beef?—A. When they kill a beef, the chief stands there and the beef is cut up and divided among them, and he superintends the division of the beef.

Q. Isn't that a ration?—A. Yes, sir.

Q. The Cuban government really supplies everything except what is dug up by the messes?—A. Yes, sir.

Q. What is the system of communication between the different parts of the island?—A. What they call a commission. One chief wants to communicate with another, and he gives a man an escort and puts him in commission, and sends him to the other.

Q. Is there any postal system in Havana Province?—A. The commission when he goes carries letters, but they don't care much about writing.

Q. Suppose he wants those letters taken to a far-distant point, to the eastern or western part of the island, is there any postal system for that?—A. There is always a commission between the east and the west.

Q. Really a mail service?—A. The reports from the subchiefs to the chiefs and the general chief, and the return orders from the general to the chiefs and the subchiefs are sent in that way.

Q. You spoke of being in Pinar del Rio—how far did you penetrate in that province?—A. I do not know how far it was, because it is hard to estimate distances, traveling the way we did. We could not go in direct lines, as we had to avoid the town. At the time we were on commission and rode three days into Pinar del Rio, but it is hard to say how far we went.

Q. Were you executing commission then?—A. Yes, sir.

Q. What command was with you?—A. General Castillo's.

Q. The whole army?—A. No, sir. Castillo went over after some arms to arm some other people in Havana.

Q. Did he get them?—A. Yes, sir.

Q. Bring them back?—A. Yes, sir.

Q. Did he cross the trocha?—A. Yes, sir; near Mariel.

Q. Near where?—A. Mariel. That trocha is practically abandoned now.

Q. The Mariel trocha?—A. Yes, sir.

Q. That is the western trocha?—A. Yes, sir.

Q. They still keep up the other trocha?—A. Yes, sir.

Q. What is that called?—A. The Jucaro-Marón trocha.

Q. Did you meet any Spanish troops on your way over or back?—A. We went three times before we could cross the trocha and reach the arms.

Q. Driven back by the Spanish?—A. Yes, sir; but we finally went across.

Q. And got successfully back with the arms and ammunition?—A. Yes, sir. On that trip we never encountered a Spanish soldier; had no trouble whatever.

Q. How did you transport them?—A. Gave each man so many guns, and gave each man so much ammunition to carry.

Q. Each man took so many guns and so much ammunition?—A. Yes, sir.

Q. Were you at any landing of an expedition?—A. I never was at a landing, or saw an expedition.

Q. What is the general health of the Cuban population, living in Cuba Libre, as you call it?—A. Good.

Q. What is the general health of the Cuban army?—A. Good.

Q. Have any epidemics visited that army since you have been there?—A. No, sir; the only disease we have is typhoid fever. They have had some occasionally, about four cases, and they all died—all that I had. All the other cases I have had since I have been with them have been malaria. I diagnosed these four as typhoid fever, but they said they never had typhoid fever in Cuba, but that it was some kind of—

Q. Are these Cubans in the army strong, healthy fellows, or thin and weak?—A. They are pretty husky fellows. The Cubans are not a large race. There are no such men as Mr. Decker, but they are strong and healthy.

Q. How do they compare with the Spanish soldiers?—A. The men in the Spanish army are good, strong fellows. But a man is very scarce in the Spanish army; it is mostly composed of boys.

Q. How do you account for that?—A. They have had to send so many soldiers to the island that they did not have enough men.

Q. Have you had any chance of personal observation as to the ravages of disease among the Spanish army?—A. Yes, sir; some.

Q. What have you to say about that?—A. Disease is the greatest enemy the Spanish army has, and they die very rapidly—very fast. For instance, crossing the trocha to come to Havana—the Havana trocha—at night, as soon as I crossed I stopped with some pacificos camped there, and they told me that three or four Spaniards were dying each day in those forts in that neighborhood, and when I got into town I found it was true. I was two or three days hiding in Havana, waiting for a chance to come away from there through America, and I spent that time in the outskirts of the city, where the hospitals are located, and in the low coffee houses where the Spanish soldiers are, and, we might say, put in my time visiting the Spanish soldiers, talking about the war, their condition, etc., buying them cigarettes and fruit—those who did not have any money—helping them out a little.

Q. What American newspaper correspondents were in the army where you were operating?—A. None.

Q. How many hospitals—regular hospitals—did you have under your charge?—A. Some days they would amount to a hundred, and the next day maybe only five or six. I had six regularly named hospitals that I tried to keep up all the time in spite of the soldiers, and where, if the soldiers came, I would offer armed resistance, and hold them off until I could get my men out.

Q. When the soldiers came out to attack, all you could do was to make resistance until such time as you could carry your sick and wounded away?—A. Well, the first resistance I made I stood off a column all day long with four men, and that night got the men out.

Q. Were you in the thick woods?—A. Very thick.

Q. They were afraid—afraid to approach in the woods?—A. Yes, sir.

Q. I suppose the advance of an attacking party or column through those thick woods would be very much embarrassed by the surroundings—the trees, vines, brush, and all that?—A. Yes, sir; I at one time got out of the woods before the soldiers got in, and sat on a hill 300 or 400 yards away and watched them go into the woods. The chief stopped about 300 yards from where they entered the brush, and the infantry marched up and all the officers stood back, and the sergeant or lieu-

tenant or small officers ordered the men in. The men marched up to the brush and then they would hesitate, and these officers would draw their canes—they nearly all carry canes—or some of them machetes, and they would whip them in. They would grab a man by the arm and strike him with a cane and drag and push him in. By the time a man got a little ways in he would cry "Viva Espagnol," and then the others would follow, and they would all rush in and set the houses afire, and yell and raise the mischief generally, and those on the outside would run up and try to set the brush afire, try to set the whole army afire, as it looked to me. If it had been dry brush, like American undergrowth, they would have burnt the entire army up.

Q. By brush, do you mean trees and bushes that have been cut down?—A. No, sir; it is short growth that has not been cut down. The ground is not fit for cultivation, it is rocky, and the bushes grow right out of the rocks, and we have to pick out the trail very carefully. They are sharp and jagged rocks that stick up there; you can not walk across them, you have to pick your way, and it makes a very narrow trail to get in.

Q. Has General Castillo kept practically the same ground all the time you have been with him?—A. Yes, sir; practically the same ground since he first went in there since the invasion.

Q. He really has not been driven out?—A. No, sir.

Q. Took his position and stayed there?—A. Yes, sir.

Q. He has shifted his position?—A. He would avoid a fight with a superior force. General Castillo himself is marching his force from one position to another, always looking for a fight. He does not rest himself. Every territory, you might say the whole territory, is occupied by a force that has occupied it since the invasion, and their business is to stay there.

Q. They are never driven out?—A. No, sir; General Castillo and Alex. Rodriguez have a large territory; General Castillo has the western part of the province, operating all through it, and at the same time there are smaller forces operating in different parts of the province, who stay each in its own territory.

Q. If I understand you correctly, the Cuban generals who have been operating in the province of Havana have been operating there since the insurrection broke out?—A. Since the invasion.

Q. Since Gomez invaded the west from the east?—A. Yes, sir.

Q. And have not been driven out?—A. Yes, sir; the army has grown continually and the territories spread daily.

Q. So far as military operations are concerned, they are in the occupation of the country and have been so?—A. Yes, sir.

Q. I suppose many efforts have been made to drive them out?—A. They are fighting every day.

Q. There is constant pressure to overcome and drive them out?—A. Yes, sir; the guerrillas and volunteers made the hardest fight, but they have been practically killed out and whipped, and they are afraid to fight any more.

Q. Who?—A. The guerrillas. The last guerrillas were those of Salug. There were 36 of them, and they killed the whole 36 about a week ago.

Q. The guerrillas are very severe?—A. Yes, sir.

Q. Very severe on the Cubans; cruel?—A. Yes, sir.

Q. You say they are practically driven out of the province?—A. Not driven out, but afraid to operate there; afraid to go out without the escort of a column of soldiers.

Q. Got enough of it?—A. Yes, sir; they have been whipped, and that gives the insurgents more territory, because these guerrillas were stationed in the towns, and were supposed to protect the pacificated zone and to carry the pacificos out to get food in the country.

Q. The important question I wish to ask you, based upon your observation since you have been in Cuba and associated with these fighting forces, is whether the Cubans have gained ground or lost ground as to strength and equipment and fighting ability generally since you have been there?—A. I would say they have gained ground and gained strength and gained knowledge in war.

Q. You intend to return to them?—A. Yes, sir.

Q. In the same capacity you are now?—A. In the same capacity.

Q. As a surgeon?—A. Yes, sir.

Q. Did you have many assistants, surgeons?—A. No, sir; none.

Q. Had none at all, had to perform the work yourself?—A. Yes, sir; I had practicanes, medical students.

Q. Medical students?—A. Yes, sir.

Q. They were your only assistants?—A. Yes, sir.

Q. No regular practitioner associated with you in your work?—A. No, sir.

Q. With whom did you leave the hospitals when you came away?—

A. With the practicanes. Unless I can get supplies, surgical supplies, the practicanes can do as well as I could.

Q. That is what you came to this country for?—A. Yes, sir.

Q. To get surgical supplies?—A. Yes, sir; to try to make arrangements for regular supplies for the hospitals.

Q. I believe you mention Spanish soldiers have been in your charge?—A. Yes, sir.

Q. Spanish soldiers?—A. Yes, sir.

Q. Did you treat them with equal care as the Cubans?—A. Yes, sir.

Q. You felt bound by professional courtesy?—A. Yes, sir.

Q. Is there any order of any Cuban general to do contrary to that?—

A. No, sir; that is the order to the army in the military regulation, and each chief is provided with a copy, that each Spanish soldier shall be returned to the towns or held as prisoners; no soldiers killed except when captured as spies.

Q. Have the Spanish any permanent camps outside the towns?—A. None that I ever saw or knew of.

Q. Never heard of any?—A. No, sir.

Q. When you speak of a town you mean a town garrisoned by Spanish troops?—A. Yes, sir.

Q. Fortified?—A. In every little town there was a string of forts.

Q. What kind of forts; any strength?—A. Yes, sir; strong enough to resist the arms the Cubans have.

Q. Small arms?—A. Yes, sir. I do not think they could resist artillery—any heavy artillery—or even 4 or 5 pounders.

Q. What are they made of?—A. Stone.

Q. Is there plenty of stone?—A. Yes, sir; the whole island, you might say, is a great big rock.

Q. The whole island?—A. Yes, sir.

Q. From what place did General Castillo get his supply of salt?—A. Any town he would happen to be near he would send in for it.

Q. In order to get salt he would have to capture a town; fight for it?—A. No, sir; he would give a man a centen and tell him to go in and get salt. He would buy it.

Q. He kept up a traffic with the towns?—A. Yes, sir.

Q. How could he manage that where there was a concentration of pacificos and Spanish garrison?—A. The pacificos came out after sweet potatoes—each man can bring something in his sack (cigarettes, a hat, blankets) which do not take up much space. I bought a big blanket, a hat, pair of shoes, and suit of clothes, all brought in one cargo—one man brought it. He brought that right past the fort and sentries; the next day brought out three Mausers.

Q. He had no permit to do it?—A. No, sir.

Q. He smuggled it out; he would have lost his life if caught at it?—A. Yes, sir. They usually make four or five trips, and then the next trip they will be caught and shot.

Q. They catch up with them finally, and then they are done for?—A. Yes, sir.

Q. Is there any other matter you wish to state that you think would be of importance?—A. I do not know of anything else; it seems to me we have gone over about the whole ground.

After examining and correcting my deposition as above, I sign the same under oath.

FOSTER R. WINN, M. D.

WASHINGTON, D. C., *June 28, 1897.*



**STATEMENT OF DR. H. W. DANFORTH.**

In the absence of Senator Morgan, Mr. Lodge acted as a member of the subcommittee.

Mr. Danforth was sworn by Senator Clark.

By Mr. CLARK:

Q. What is your name, profession or occupation, and present place of residence?—A. H. W. Danforth; physician and surgeon; Milwaukee, Wis.

Q. You may state whether or not you have been engaged in professional work recently on the Island of Cuba; and if so, in what capacity and with whom?—A. I have been engaged in Cuba as a physician to the President of Cuba, Salvador Cisneros.

Q. How long have you been in that position?—A. One year.

Q. During that time have you been near by the person of the President?—A. All the time.

Q. Now, the committee is very anxious to learn a particular thing that probably comes within your knowledge, and that is, as definitely as possible, as to the civil government carried on by the Cuban insurgents, so called. We would be glad if you will give, at large and in detail, whatever knowledge you may have.

By Mr. LODGE:

Q. Let me ask, before that question is answered: President Cisneros is the head of the civil government?—A. He is, sir.

Q. You have not been attached to the army in a military capacity?—A. I have not. I will now answer the first question. The civil government, as far as my observation extends, has power over the country. They have that power through the governors of the various States who are appointed by the President or elected by the people. They also have power through the prefects and through the subprefects appointed by the President or by the Secretary of the Interior, Dr. Canasarius. Their duty, of course, is—the subprefects' duty is—to attend the mails, see that they are diligently forwarded, and, in so far as possible, contribute to the relief of the military authorities that chance to be in their neighborhood, by giving them rations and treating them in that way. They are also delegated or appointed to power by the President to celebrate all marriages which may occur among the insurgents. They have the power from the cabinet of celebrating those marriages.

By Mr. LODGE:

Q. How is this civil government organized?—A. It is organized by—pardon me, I do not understand.

Q. I mean when was it organized?—A. It was organized in—well, I do not know exactly when it was organized; I can tell when the President was elected, if that will do. It was two years ago the 22d of February; that is, he was installed in office two years ago the 22d of February.

Q. Do you understand that a popular election was held?—A. An election of the army only. Of course, it is simply here, gentlemen—the island is, at the present time, in revolution, and a great many people have gone to the towns—a great many of the pacificos—and the result is that it is almost an impossibility for them to secure a free and independent—I can not exactly express it.

Q. It is impossible to get a full vote?—A. That is it.

Q. This government adopted a constitution, which, of course, has been published. Was there a convention held of representative delegates?—A. Oh, yes.

Q. And a civil government was organized?—A. Yes, sir. There were—I have forgotten the number of delegates, although I have seen it; I have read of the number that were present; but there were a number of delegates chosen from the army from the various Provinces of Cuba, and those delegates met at Jimagua, or some such named place, and elected the President and Vice-President, and his secretaries. The secretaries were all elected in place of being appointed, as in this country.

Q. Does that civil government, organized in this way—does it operate and have power?—A. Indeed it does so, sir.

Q. The military forces hold their commissions from it?—A. They hold their commissions from the civil government.

Q. What has been the capital—what has been the seat of government?—A. They have had no capital until about the 1st of February of this year, and then they put up a number of houses at Aguirra, about 3 leagues to west of the city of Wymero, in Puerto Principe, and they established that as the seat of government.

Q. Were they not at Cubitos?—A. No, sir.

Q. Have they ever been driven out of their seat of government by the Spaniards?—A. Not up to the time I left; but I will tell you in candor that all the Spaniards have to do, if they want to, is to march 100 men down there and drive the Cubans out. I was there on the 29th of April and they had but 8 men in the capital. The President was in one place, the Vice-President here, and the secretaries there, and so on; they were distributed according to the business relations they had, and were seeing, too, about the country.

Q. They have never been disturbed by the enemy?—A. No, sir.

Q. They have been able to carry on all the functions of civil government?—A. They have.

Q. You understand why I asked these questions?—A. No, sir.

Q. The charge is made here that the Cuban government is purely military; that Gomez is all there is to it.—A. That is all nonsense. Gomez and Garcia and Maceo were under the entire control of the government.

Q. Never questioned it?—A. Never so much as raised the question as to the source of their power.

Q. President Cisneros has taken an active part in carrying on the government?—A. Of course he has; he is with the government all the time.

Q. Over how large a part of Cuba is that government recognized?—  
A. All over Cuba, except in the towns, and there the Spanish have authority and control.

Q. What do the Spanish hold control of?—A. The towns and where they are camped.

Q. Only where they have garrisons or where they encamp?—A. Yes, sir; the balance of the island is in the hands of the Cubans.

Q. All the rest?—A. Yes, sir; save where the Spaniards are encamped.

Q. The insurgents move freely all through the country?—A. I have gone from Moron down to Banos, a distance of about two weeks' ride, and hard riding, too, on horseback, entirely alone except for my assistant, and never experienced the slightest trouble.

Q. Through all these country districts the power of the civil government of President Cisneros is recognized?—A. Yes, sir; you will find that the President has prefects established at about every 3 to 6 leagues all over the island, from east to west and from north to south; whichever way you go prefects are established every 3 to 6 leagues. At their houses all officers or travelers on commissions to or from the government are expected to stop if they can. Those prefects are bound by law to furnish those men with care, protection, comfort, and shelter, and of course they supply them with food and other things in proportion as they can.

Q. They carry on the usual functions of civil government, such as you alluded to, solemnizing marriages, etc.?—A. Certainly, except as it may be in this direction. We will say a murder has been committed. They have no judges in Cuba at all, though I think they are just as fair there as the Spaniards. The Spaniards have plenty of judges, but they are not as fair as they might be. The Cubans have no judges, but the prefect will arrest the man, examine him and send him to the nearest general in command of the forces, and he will treat him as he deserves; if innocent, free him; if guilty, doubtless shoot him.

Q. Has there been more than one election of delegates in the island?—A. More than one election of delegates?

Q. Has there been more than one? I had heard that there was more than one convention.—A. I do not know that there had been up to the time I left the island, which was on the 29th of April. Up to that time there had not been, although very shortly the election was to be held, and the delegates were to assemble at the capital for this coming election. The president's term of office expires September 22, I think.

Q. And they intend to hold another election, and choose delegates again?—A. They intend to hold another election during the summer, and have the new officer, whoever it be—Cisneros or any other—ready to be installed on the 22d of September, when the President's term is out. That is the fact with reference to the Vice-President, and the fact with reference to all the secretaries of his cabinet—they are all to be elected, and will take their offices accordingly.

Q. And you say these delegates were chosen largely by the insurgents in arms? I suppose others, who were not in arms, had the right to vote if they wished?—A. Certainly; all the Cubans in the country districts—all not under the control of the Spanish in the islands—have the entire right to vote.

Q. And are not prevented?—A. And are not prevented. On the contrary, the prefects are speaking, or were speaking when I was there, to the inhabitants all through their various districts, telling them the election was about to occur soon and they wanted to be there to vote. I did not know at the time, and do not know now, exactly when the election is to occur, but I have heard the prefects stating to the various

people that an election was to be held and that they (the people) wanted to be there and cast their votes for whom they wanted to have serve them.

By Mr. CLARK:

Q. I would like to make some inquiry as to the postal service of the island, if you know about it.—A. I know a little.

Q. Is there any regular postal service?—A. Yes, sir.

Q. In what manner is it conducted?—A. On this plan: They have the prefects of these districts, and they act as distributing officers in the postal service, I believe.

Q. They are from 3 to 6 leagues apart?—A. Yes, sir. All the people in their districts are coming and going to and from their place. They usually visit the prefects at least once every week or two to get mail and see if there are any orders for provisions or to get provisions. They are usually coming and going there every week or two.

Q. About how is the mail transported?—A. On horseback entirely.

Q. Is that a regular service?—A. There is no regular service in Cuba.

Q. How frequent or general is it, for instance?—A. I do not exactly get the question.

Q. Suppose I am living at one station, and I want to forward a letter 100 miles to the west, to another station?—A. It will go within twenty-four hours.

Q. What means of communication—you say the army is entirely subject to the civil government—what means has the president of communication with Gomez or Garcia or other divisions of the army? Is that done through the regular mail service?—A. It is done by special couriers and through the regular mail service.

Q. I would like to know how frequently, whether generally or only upon special occasions, the military authorities communicate with the civil, and receive orders from them?—A. There you have me. I am sorry to say I do not know, not having been thrown into such very intimate and close relations.

Q. You do not know whether regular reports are made to the civil government from the military?—A. I do not.

Q. You speak of various secretaries. What others are there besides the secretary of the interior?—A. There are those of foreign relations, Mr. Portuando, who is a very, very pleasant man; the secretary of the interior, Dr. Canasious; and the secretary of the treasury, Mr. Pina. I believe that to be all, and the vice-president, General Masso.

Q. These various secretaries or heads of the departments; are they regularly and constantly engaged in the duties of their various offices, or merely figureheads for the purpose of making up a government?—A. They and their secretaries are regularly and constantly engaged in attending to the duties of their offices. I have seen—I will not say how many times, because I do not know, but it is a great many times, when we have pitched camp, usually about 1 o'clock in the afternoon, and about half past 2, after we have finished breakfast—I have seen the secretaries busy dictating to their secretaries, and their secretaries busy in writing.

Q. If you have had opportunity to judge, I would like to know as to the confidence which this civil government has in the ultimate success of the independence of Cuba?—A. If I have had the opportunity to judge?

Q. Yes, sir.—A. I will tell you this. The civil government of Cuba

will—all, each, and every one of them—go down to destruction unless their independence is attained.

Q. And still that does not—A. I have heard the president of Cuba make that same remark.

Q. We very often find men who are willing to die for the cause they maintain, and yet who have not so much confidence in the success of their cause as in the certainty of their own death. What I want to get at is their confidence whether Cuban freedom will be achieved.—A. It is my opinion that it is the opinion of every one in the insurgent ranks that liberty will eventually be obtained.

Q. I will ask you, from your experience and your intimate association with public affairs there, what would be your judgment?—A. My judgment is the same. I will give you my reasons, and then you can judge for yourself as well as I can. At the last war Spain had on the island 250,000 soldiers. There were but two provinces in insurrection, Orient and Camaguey, or Puerto Principe and Santiago de Cuba. The revolutionists had from 6,000 to 7,000 armed men, and yet the revolutionists prolonged the struggle for ten long years before Spain could subdue them. This year every section of the island is in insurrection. Spain has but 300,000 men, but 50,000 more than they had before, and the revolutionists have about 30,000 to 35,000 well-armed men, and it is my opinion that Cuba will eventually win her freedom, I do not care whether Spain is willing or not.

By Mr. LODGE:

Q. You say Spain has 300,000 men. That is the whole body of men Spain has been able to send to the island—you do not mean she has 300,000 effectives there now?—A. Certainly. She had on the 1st of January 153,000 regular soldiers from Spain.

Q. They have sent out more than that?—A. Yes, sir; but I am not counting anything—

Q. By and by I would like your estimate of Spanish losses.—A. The guerrillas number between 50,000 and 60,000—the Spanish guerrillas. They are Cubans, or should be Cubans in reality, who have adopted the cause of Spain.

Q. You mean the voluntarios?—A. Yes, sir; then they have the guarda civil and they have all the firemen in the island, and they have armed them all and are using them as soldiers.

Q. The guarda civil, were they brought from Spain or is it a native body?—A. A native body of men, but under the ruling of the power of Spain. All in all, I think the number is fully 300,000 men. The Cubans, on the contrary, have but 30,000 to 35,000 well-armed men, about 1 to every 10. Is it anything very wonderful, therefore, that you do not hear of some immense battle? I do not think it to be so at all. I think the Cubans are conducting the campaign as they should.

Q. Spain is said, and I am told all authorities seem to agree, she is said to have sent out more than 150,000 men?—A. She has.

Q. Have not her losses from disease and these various little engagements been very severe?—A. Very; it is simply—why, in this morning's paper I was noting the return of some steamship to Spain from Havana, and was noting that it stated that the Spanish had shipped some 793 invalided soldiers on that ship. Every ship that leaves Havana carries, as a rule, from 200 to 500 men, so you can imagine Spain must lose pretty heavily.

Q. Only the invalided and wounded; the dead are buried there?—A. The dead are always buried there, and there are a great many who

die, especially of fevers. The Spanish troops are young, nothing but boys in many instances, and being unacclimated and unfit practically for any experience in the rough warfare of Cuba, the climate goes very hard with them.

By Mr. CLARK:

Q. Right in that connection I would like to ask as to the physique and health of the Cubans actively engaged under arms, their means of subsistence, and how well they are cared for.—A. The Cubans are, in every way in good health, save for an occasional fever. You have the yellow fever and you have the malarial fever, which I had an experience with last December. anything but pleasant—where no quinine was to be obtained—you can imagine. They are good physique; a trifle lighter than I am. I suppose I was as light as they in April or May of this year, when I was there. With reference to their food, they have the best that can be obtained.

Q. When you say “the best that can be obtained,” do you mean under the circumstances?—A. Yes, sir.

Q. That is what I want to find out, how well they are subsisted.—A. In Camaguey, where I was, they have boniato, or sweet potatoes. Sometimes they will have yucca, sometimes plantains, sometimes conchanchilla, a mixture of honey and hot water. Sometimes they will have coffee, sometimes they will not have anything except, perhaps, meat.

Q. How about their supply of meat?—A. It is ample.

Q. Where is that obtained?—A. Everywhere, anywhere. By the laws of the Cubans, by the law of the land, it is a fact that the Cuban rulers declared, when this war first started, that all horses and all cattle in the island, wherever found, were to be regarded as public property. The result is you can find cattle everywhere in Camaguey. I do not believe I have ever ridden 3 miles without seeing more or less cattle.

By Mr. LODGE:

Q. Do they take good care of them?—A. Yes, sir.

Q. So that they have an indefinite supply?—A. Yes, sir. Their horses are kept in bortraros, very large spaces, from half a league long to a quarter of a league in width.

By Mr. CLARK:

Q. Corrals, or pastures?—A. Pastures, protected by barbed-wire fences, and horses are kept grazing within. Anyone passing there with his horse very much fatigued, with the permission of the man in charge, can change him for another. It is a very good idea.

Q. As to the food question, what is your opinion as to the amount necessary to sustain the war?—A. I am a specimen of it. I have been there a year and a quarter and I have done very well, indeed, and I have lived on meat for almost five months, and nothing but meat, and I believe that my looks are reasonably good for a meat diet.

By Mr. LODGE:

Q. What would be your judgment as to the general feeling of the great mass of the native Cubans?—A. Animosity to the Spaniards and a desire to be free.

Q. The insurgent government and army represent the wishes of the great body of the people?—A. They do, I believe.

Q. What do you think would be the effect of any action on the part of this country?—A. Is that to be taken—

Q. Suppose this country should intervene?—A. I can not but think it would terminate the war.

Q. Is it your impression that the Spanish campaign have got there weaker and weaker; that they are in process of exhaustion; that money is more difficult to obtain?—A. My idea is that the money is growing more and more scarce and harder for the Spanish to get hold of, but, with reference to their campaigns, they are just as well conducted as ever.

Q. Were they ever well conducted?—A. That is the point. Of course it is susceptible of two answers, yes or no.

Q. Have they won any very serious victories there?—A. No, sir. I desire while I am about it—I was looking over some papers last evening—I desire to most positively and emphatically deny the statements of Mr. Olney or President Cleveland, that the government is a military usurpation. I deny that most emphatically. I claim that there is a civil government and that that government is exercising its functions, and is in force to-day just as much as the civil government in the United States. I just happened to think of that in the course of your remarks. You hit on something that reminded me of it.

Q. Have they any workshops?—A. Yes, sir; and a great many of them. They are irregularly situated, but, for instance, they will kill a cow or kill a dozen cattle at this encampment to-night at 7 o'clock. The hides are taken off and hung on the branches of a near by tree, and at 8 o'clock in the morning they are taken to the prefect, and he will send them by a messenger to the tannery, which they have in every district, or one tanner to so many prefects within a certain distance—within easy riding distance, at least—and those hides are there tanned by the tannery. After that is over with, after the hides are tanned, they are sent to the manufactory, where they manufacture shoes or saddles—the manufactory of saddles and bridles—or anything that one can want. I got there last summer a pair of boots and a pair of leggings made. I had saddlebags also, and one thing and another of a similar kind, a saddle and bridle, made as well, and those things I used and wore until I left the island. Well, I had them made last July, and I wore them until this May, and they were all in just as good condition when I gave them up as when I got them, so you can imagine they are made well.

Q. How about clothing?—A. They are deficient in supplies of clothing. It is very hard to get clothing there. You can not buy it, and the result is I have seen men in Cuba have their cartridge belts across their chests and their rifles across their shoulders and a little piece of cloth about 6 inches in width across the middle; and that is all they had. They came to the president and petitioned him for more clothes—about seven or eight of them. It looks funny to see them—those fellows, well-built, strong, and muscular men—without a dud of clothes on; but they all got clothing. They have clothing of one kind or another. Sometimes it is rather rough and ragged and a good many patches—a good many patches on the seat of the pantaloons, but I do not know but it answers all their purposes as well as the clothing we have here.

By Mr. MORGAN:

Q. They would not be able to wear any heavy clothing?—A. No, sir; very light, all linen cloth. The cost of pantaloons in Cuba varies from \$1.75 to \$2.50.

Q. Linen pantaloons?—A. Yes, sir.

Q. White or colored?—A. White.

Q. By using cotton cloth they could still further reduce the price?—A. Yes, sir.

Q. Do you know anything about the repair shops of guns?—A. They have, at various of these factories, men whose sole and only duty it is to attend to and repair guns in so far as possible and fix the munitions of war in proper shape. They also have, in various places, cartridge factories—not cartridge factories, because they could not manufacture the whole cartridge, but the soldiers will save the shells after they have been discharged and these men will recap and recharge them.

Q. Do they make any powder?—A. I do not know, but I think they must, because they do a very large amount of reloading cartridges, and I have seen the bills of lading of two or three expeditions that have arrived, and I have never seen any loose powder mentioned on these bills; so they must have them, but where they are I do not know. They have printing presses (paper) established in various sections of the island. I think they have—I would not like to say how many, but I think four or five papers.

Q. Weekly papers?—A. Weekly or monthly.

Q. Do they circulate freely among the people?—A. Yes, sir; indeed they do, and are found in the cities as well.

Q. I suppose the government has been able to keep up a constant flow of information in regard to the movements of the Spaniards.—A. Oh, yes; that is very readily done. It is simply here. They have, we will say—take Puerto Principe for sample. They have before that city a small detachment of men, all on duty all the time, riding around the city, back and forth, here and there and elsewhere. Their sole and only purpose is to see when a detachment comes out, and when a detachment appears they will immediately notify the nearest commander as to the probable course of the Spaniards, and they will then follow that column and see where they go and what course they take, and will notify him or all the commanders in that district, and again when the column returns they will notify them that they are back in the town.

Q. So that they are in constant observation of the enemy?—A. Yes, sir; they have every city in the country guarded that way.

Q. Do the Spaniards attempt any such system of espionage?—A. No, sir; they can not do it, unless it be by series of spies, which I doubt very much the capacity of the Spaniards to obtain. I believe the men would be detected, and if a man is detected in the capacity of a spy his fate is pretty sure and pretty sudden; at least it would be there.

Q. Have they flour or corn mills in Cuba, or do they rely on the pestle and mortar?—A. They have no mills that I saw anything of. The reason simply is that the Spanish would, if they had any such thing, only be too glad to come out and destroy it from the towns. They rely on pestles and mortars and grind the corn in their coffee mills.

Q. Corn mills?—A. They grind the corn in the coffee mills.

Q. How many crops of corn are raised in Cuba?—A. I asked that question myself about six months ago, and you want me to give the answer I received?

Q. Yes, sir.—A. The answer as given me was three crops, and I was surprised.

Q. So it is substantially a continual supply of corn?—A. Yes, sir.

Q. And they also have the advantage of roasting ears?—A. Yes, sir; and they have sweet potatoes. You can plant them and they will grow without any cultivation.

Q. Without cultivation?—A. Yes, sir. All you have to do is to scratch the ground and drop in the seed, and it will grow of itself.



Q. Do they grow of a fine size?—A. Yes, sir.

Q. It is a good potato?—A. Yes, sir.

Q. Sweet?—A. Sweet and very palatable. The yucca grows in the same way, without any care at all. They have also a great many bananas, or plantains, as they are termed, growing in Cubitos at the present time. They have a great many of those, and they send over from the rest of the province every once in a while to secure several mule loads of the yucca and plantain, or boniato—the sweet potato.

Q. I do not understand about that plant yucca. Is that a plant which grows in moist soil, like a radish?—A. No, sir; it belongs to the family of tubers, I believe. It is the root, and the root will increase in size, and will weigh anywhere from 5 to 100 pounds. They are very large.

Q. Is it palatable and nutritious?—A. Indeed it is. It is just about like our Irish potato; just about the same thing.

Q. Do they cook it in the same way as Irish potatoes?—A. Yes, sir; they cut it up and put it in water and allow it to boil just about as with Irish potatoes.

Q. It comes out mealy?—A. No, sir; it comes out in the original pieces, very nicely done—mealy and nice to the taste.

Q. They eat it with salt, just as you would an Irish potato?—A. Yes, sir.

Q. That food does not require cultivation?—A. No, sir.

Q. Grows indigenous?—A. Yes, sir; wherever you chance to put it.

Q. I have been interested, too, in another thing, and that is, what is the production of hogs in the island of Cuba?—A. They have an immense number. Contrary to the custom in the United States, they allow them to run wild, and they eat whatever they find. I do not know exactly what they do live on, but they live very well. They have what they call hog dogs, and if you want a hog you call the dogs, and they will take after the hogs, and after chasing them around, the dogs will seize them by the ears and maintain their hold until the man comes up, and then they tie their legs together and sling him across the saddle and take him to the house and kill him.

Q. They are in good condition?—A. Always. I do not know what they live on; it is absolutely impossible for me to say that; but it is impossible to say that they are otherwise than in good condition.

Q. They make good meat?—A. I think the flesh of a hog in Cuba is far better and more palatable than the flesh of the hog grown in the United States.

Q. Owing to the character of the food?—A. Yes, sir; I suppose so.

Q. I have heard the same observation made about the beef in Cuba. Do you justify the statement that the beef is excellent?—A. Yes, sir. I do not believe, however, that the beef in Cuba is better than the beef found in the United States, for the reason that you can not secure a cut of beef there as you can here.

Q. The cattle are smaller?—A. Yes, sir; and again, in cutting the meat up they do not use the same care.

Q. Is it native wild stock or improved?—A. I do not know how that is.

Q. Are they broad-horned?—A. Some; but the major portion are short-horned or no horns at all.

Q. As a rule, are they good milch cattle?—A. Yes, sir; very good, indeed. You know how they milk there? It struck me as being one of the funniest things I ever saw. I do not believe I ever saw it done that way in this country. They will have a square inclosure with a

high fence around it, and they will drive the cow in, and they will loosen her calf, and the calf will come and smell around and begin sucking, and the man will wait until it has taken two or three sucks, and then he will take a rope and slip it over the calf's head and tie it in such a way as to keep the calf's head about a foot or a foot and a half from the teats, and the cow will then stand still and the man will commence his milking. When he is through he will take the rope off, and the calf will then go back to sucking. It is the first place I ever saw it done.

Q. Some witnesses have stated that there is rather an abundant production of butter and cheese.—A. There is an abundant production of cheese; but butter, I never saw a particle while I was in Cuba; but of cheese there is plenty, and of honey.

Q. Take the food resources of the Island of Cuba in the part of it under the control of the Cubans. Do you think they are able to keep up their belligerent operations and supply their army of, say, 30,000 to 50,000 men for a considerable length of time against the Spanish?—A. I do, sir.

Q. And at the same time afford to the rural population a comfortable subsistence?—A. Yes, sir; they are able to do that, and do it very easily.

Q. How about Cubitos and the town near there which is the capital?—A. The capital is at Aguirra; that is in Camaguey. Cubitos is in Camaguey, but it is a province, and Aguirra is in Puerto Principe, 3 leagues west of Wymero, which was captured by the Cubans last November.

Q. Is that a town?—A. Yes, sir—no, it is not a town—it is a collection of houses that the President has put up for the capital.

Q. Have the Spanish ever attempted to drive them out of there?—A. Never as yet, up to the time I left Cuba, although one day there was word sent that a Spanish column of 4,000 men was only a league and a half off, and we had orders to get our horses up and saddled, and everything on them, ready to start at a moment's notice. However, it proved to be a false rumor, and we turned the horses out and allowed them to feed. If the Spaniards so desire, there will be nothing under Heaven to prevent them from destroying it.

Q. It is not surrounded by a cordon of troops?—A. No, sir.

Q. How is it with the fortress at Cubitos; is there a fortified place there?—A. Not a thing.

Q. Is that as at Aguirra?—A. Cubitos is a province, and the Spaniards have not in this war invaded the province of Cubitos, and the result is that all the rest of the province of Camaguey sends to Cubitos for provisions. They grow everything in Cubitos.

Q. What advantage would the Cubans have in defending Cubitos over any other province?—A. None at all.

Q. Can you count on the Spaniards not disturbing it?—A. No, sir.

Q. Is it elevated?—A. It is an elevated place by one or two roads, but approached by all the others it is level and plain. I have no idea why the Spaniards do not invade it. I should think they would, but apparently they seem to hesitate and balk.

Q. How far is it from the nearest railroad?—A. The line Nuevitas is here, and Puerto Principe is here [indicating]. There is a line between Nuevitas and Principe, and Cubitos is just this side of the railroad track.

Q. Right on the line with the railroad?—A. Yes, sir; right on the line, but of course the railroad only passes along the line, and the line extends back here several leagues.

Q. I am speaking about the collection of houses you call the seat of government.—A. At Aguirá?

Q. Yes, sir; how far is that from the railroad?—A. About 16 or 17 leagues.

Q. From the railroad?—A. Yes, sir.

Q. How far from the coast?—A. It could not be more than 3 or 4 leagues.

Q. Is there any fort near it?—A. Yes, sir; there is a fort; but what the name of that fort is I have forgotten—Guayamo. There is a port near it, however; that is, within a day's ride.

Q. How far from Banos?—A. Way, way to the west of Banos; that is, in Orienta, near the eastern part. This is about 17 or 18 leagues—possibly 20—from Puerto Principe.

Q. Since you have been in Cuba has there been any invasion of that part of the country you speak of?—A. No, sir; there were of course several columns at previous times, and last November, when the Spaniards held Wymero and Cascorra and some other towns up there, there were several columns during the year visited those places with supply trains. Every so often they would send a train load of provisions to the various towns, and every train of provisions sent the Spanish and Cubans used to have a picnic; in other words, to have a tussle—a fight.

Q. Do the Spaniards supply themselves from the country around the towns where they are located?—A. They do not.

Q. They have to import from the seaboard towns?—A. Entirely. If they had supplied themselves from the country 'round about, which they might readily have done, the course of the war would be different altogether, but they could not do it now.

Q. Heretofore they have been afraid to attempt it?—A. Yes, sir.

Q. I would like for you to state in your own way your observations upon the condition of the Spanish soldiers in Cuba as to health and strength.—A. You will have to excuse me, but allow me to inform you that I have been on the revolutionist side, and I have no idea of my own personal knowledge as to the food or other supplies of the Spanish army, nor of their health.

Q. You have seen Spanish prisoners?—A. No, sir; I have seen the prisoners captured at Wymero and one or two other little skirmishes, but those only at a distance. I have not cared to have anything to do with them.

Q. From the reputation, or the facts detailed by the Cuban soldiers, what is your idea of the condition of health of those Spanish soldiers?—A. My opinion is that their health is not as good as it might be. The Spanish soldiers, in the first place, are exceedingly careless—exceedingly so. They have no sanitary regulations whatever, not in the least, and the result is that they die of yellow fever or dysentery, or other fevers, and they die like sheep.

Q. Do the reports as to their mortality show that the losses are very heavy from that source?—A. They do. Now, at—I have forgotten the name of the point; it is a point on the Moron track—there is one street that is the principal street of the town, and all along that street is the camp of the Spanish soldiers. They must have a thousand men camping in that street, and if you try to cross that street you will have to keep your eyes very wide open, and look where you are stepping with the utmost care, because of the filth on the ground; and yet those soldiers sleep right there, eat, and have their being right there; and how it is possible for those men to exist is more than I can say.

Q. Do you know anything about the civil government crossing the trocha?—A. Yes, sir.

Q. Have they done that?—A. Yes, sir.

Q. How often have you been across the Moron trocha?—A. Twice—once in December and once in February.

Q. How did you get over?—A. Passed through the line very easily.

Q. At night or in the day?—A. Night.

Q. No attack on you?—A. No; there was some firing, however—some firing at us. One of the cooks on the way back got a bullet through the back in his right lung, but it never bothered him at all; he kept right on his horse, and kept right on with his business of cooking; it never bothered him, as I could see.

Q. How do you account for that?—A. As I account for all wounds made by the Mauser rifle bullet. It is the most harmless and most humane rifle, and I am intensely surprised by Spain's using it; the most barbarous nation in their treatment of the Cubans according to the stories, and yet the most humane in the use of firearms. The Mauser bullet is a steel-clad bullet of .31 and a fraction caliber. That bullet will penetrate anywhere, and will go through you as a flash of sunlight will go through glass, but it leaves no disabling effect, and unless it hit in a vital spot, as, for instance, the heart, which is the only spot where you can kill a person instantly—and even there I have seen a person live. Unless hit in a vital spot you will not die. I have seen a man shot through here, in the head, and seen him alive and perfectly well, except for paralysis, a year after. I saw another man, Major Osgood, of the artillery, shot through the center of the forehead, and he lived for three hours; but if you take an ordinary bullet, what chance has a man shot there to live three seconds? I saw a man shot only an eighth of an inch over the heart, and I could not tell for three hours whether the heart was touched or not. He was put in the hospital, and in seven days he was discharged from the hospital. In case a Winchester ball had gone there, only an eighth of an inch from the heart, where would that man be? Dead, without a question. Another man was shot through the thigh, and it came out on the inner side of the leg, traversing the femur all the way down. The man wanted to remain on his horse and continue fighting, and I slit up his pants and put a piece of plaster on the wound, above and below, and in ten minutes he was engaged in a machete charge. If that had been a Winchester ball his leg would have been amputated.

Q. When the civil government passed through the trocha on the occasion you speak of, did you have any considerable guard of men?—A. Going to the west, yes; Gomez and all his forces were with them. Coming to the east, no; they did not have to exceed 20.

Q. In what way do they transport their government archives?—A. I have spoken of the mail.

Q. By what means does the government preserve the papers—the archives of the Republic?—A. They have those all indexed, and they are kept in boxes, and the boxes divided into compartments and indexed, and any or all communications for the government are put in those boxes or compartments, and when the government gets time they are weeded out, and the boxes are, every morning, on the march, placed on the backs of mules and bound there with ropes and carried in that way. The archives of the government always travel with the government.

Q. But the government does not always travel with the army?—A. It very, very rarely travels with the army—very rarely. Last October, when we were before Wymero, we must have traveled about 10 leagues

with a portion of the army, and that is the only time I can recollect, save in December, when the president crossed the trocha with General Gomez, that the army was with them.

Q. And where is the treasury of the government kept?—A. That is somewhat complex. The treasurer of the government is Mr. Pina, and he receives and disburses all moneys, and as fast as he will get on hand any considerable store of money that money is sent, I believe, to New York, in some one way or another, to the junta, and there is used for the purposes that are best calculated to help the revolutionists.

Q. In the meantime where does he keep his money; where does he have it for safe-keeping?—A. In the chests.

Q. Carried with the government?—A. Yes, sir; with the President's escort.

Q. Carried along with the archives?—A. Yes, sir.

Q. Is there any hostility you have ever discovered among the native population?—A. The Cuban army?

Q. Yes, sir.—A. Oh, no; only the kindest of feeling prevails between the army and the people. I have never been able to discern the least trace of feeling between anyone in the army and any of the people.

Q. State your impression as to the affection or want of regard on the part of the Cuban rural population for the cause of freedom and independence for the Cubans.—A. There is nothing in the rural population existing excepting the kindest sentiment and the warmest feeling for the ultimate freedom of Cuba.

Q. Are they willing to make sacrifices?—A. They are doing it every day. Is it no sacrifice for a man to have his house destroyed, his property all gone up in smoke, to be compelled to go to the woods and put up another house? That has been done by almost every Cuban.

Q. And still they adhere to their demand for liberty?—A. Yes, sir; and adhere to that demand in stronger terms than ever.

Q. You do not find the feeling for liberty and independence decreasing, but, on the contrary, increasing?—A. It is increasing, and it is my impression it will increase, for among all the people they know in general terms the taxation to which they are liable, and they know how much heavier that taxation must be to pay the interest on the increased debt.

Q. Has the paper currency now being circulated in Cuba, what we call "Weyler currency," any circulation among the rural people?—A. None at all.

Q. Not considered of any value?—A. None at all.

Q. Their currency consists of gold and silver coin?—A. Entirely.

Q. The Cuban government has not issued any currency?—A. No, sir; no bills of any kind. It has no currency.

Q. How are the soldiers of the Cuban army paid?—A. They are not paid; it is all free, voluntary service by everybody in the Cuban army or rank.

Q. They expect to get pay?—A. When freedom is declared, but not until then.

Q. The pay, then, consists in support of life, being provided with arms and a horse to ride?—A. Yes, sir.

Q. And such clothes as can be had?—A. As can be obtained; yes, sir. The president will endeavor to see, of course, that every man is clad as he should be.

Q. Are there regular muster rolls kept of the Cuban republic?—A. I believe there are.

Q. At the headquarters of the government?—A. No, sir; I think not;

but yet I do not positively know about that. I know they are kept by the regimental commanders, but whether they make returns to the civil government is more than I can say. I know this, that is, that the government has a list of every officer serving on the island. I only know that through my desire to see when I enlisted in the service, Manola Betancourt, the president's secretary, undertook to look it up for me, and he got this list and hunted until he found the index, when he speedily got the day of my enlistment; and I asked him then if he had a list of every officer in the island, and he said of every officer, from a second lieutenant up, is in this list.

Q. In going about with the government, have you visited and examined the hospitals in Cuba?—A. Several times.

Q. Have they sufficient hospitals and hospital supplies for their army?—A. No, sir. In hospital buildings they have an abundance, or they could secure abundance, but in hospital supplies they are very, very deficient, and they have no bandages. This, of course, is to be taken as my last experience in Cuba. They have no bandages, they have no antiseptics, they have no chloroform or ether, they have no surgical instruments. But I would do as I have always done heretofore, in case of necessity, borrow the surgical instruments of the surgeon nearest to me until I was through with them, and then return them.

Q. Speaking of this want of material, instruments, etc., you speak of the hospitals. The surgeons in the field have surgical instruments and some supplies?—A. Many times they do and many times they do not. I know that in several engagements, two in special, late last fall, there were no surgical instruments and no supplies of any kind, and the wounded had to be removed a number of leagues distant to be cared for, and when they got there they had nothing, not even a bandage, not a yard of bandaging, to care for them with.

Q. How are the wounded transported from one place to another?—A. Carried in hammocks.

Q. By men?—A. Yes, sir.

Q. On foot or horseback?—A. Either way. Many times on foot by carriers, and other times they have the hammocks suspended between two horses, and carried in that way.

Q. Under these very unfavorable conditions, can you say that the service of the Cuban soldier is cheerful and active?—A. I can say I have never seen any service rendered by any men more cheerfully than the service rendered by the Cuban soldiers; never.

Q. They must have their cause very much at heart?—A. I believe they have, and I believe they will have that cause still more at heart before they get through.

Q. By which you mean that they do not intend to yield?—A. Yes, sir; they will not yield. In the conversation I had with President Cisneros, he said to me that the revolutionists or patriots who were in the field would not accept autonomy, or anything which could be offered by the Spanish Government, save or unless it was freedom.

Q. This was in response to a question you asked him as to what he thought the Cubans would accept?—A. Yes, sir.

Q. Do the Spaniards ever go about singly or in small parties in the country in Cuba?—A. No, sir.

Q. Why not?—A. The Spanish soldier is too careful of himself. He is very fearful of being injured. The smallest party going out is about 3,000 men, from 2,000 to 4,000 usually.

Q. They carry with them no transportation for provision?—A. Usually they have a few horses and carry their provisions on their backs.

Q. So that their campaigns away from their base of supplies must necessarily be short?—A. Yes, sir.

Q. Then the interior of the country, except when these columns are moving, is practically free from Spaniards?—A. Yes, sir.

Q. They are not found there?—A. They are never found at all. You will never find one or two, or a little cluster of five or ten here and there. You will find the guards thrown out around their camp and the Spaniard within that camp, and outside none at all.

Q. How far out are those guards?—A. It depends on the location. If it be hilly, half or three-quarters of a mile.

Q. But they do not picket very far from the camp?—A. Oh, no; very close to it, as a rule.

Q. About what proportion of the Cuban army is negroes?—A. Well, I should say less than 50 per cent. I do not know how much less, but less than 50 per cent.

Q. As a rule, are the negroes under white officers, white Cuban officers?—A. Yes, sir.

Q. Are they good soldiers?—A. Yes, sir; very good, indeed; and splendid fighters, too.

Q. Are they volunteers in the proper sense, or are they driven into it?—A. Nobody is driven. You can not drive a Cuban to do a thing and force him to do it continually.

Q. The whole Cuban army you would call a volunteer organization?—A. Yes, sir; from beginning to end. There is nothing in the army to force a soldier to remain if he does not want to.

Q. You mean there is no effort at coercion?—A. None at all. I have seen General Garcia in Oriente with only 20 men encamped in the field, and that was his whole force.

Q. Where was the balance of the army?—A. Gone; scattered to their homes on leaves of absence for two weeks. The General stayed around, traveling to and fro to while away the time for those two weeks, waiting for the army to come together. At the end of the two weeks the army began assembling and at the end of three weeks it was all there and Garcia started operations.

Q. Showing it was purely a volunteer army?—A. Yes, sir.

Q. Does that indulgence to the soldiers destroy discipline?—A. Not a particle.

Q. Take it at large, I suppose you would say these operations of the Cubans and these military organizations are not only volunteer, but all the men regard it as their cause and their fight?—A. Every last man in Cuba regards it as his fight and his cause, without regard to his neighbor, and he fights, and fights as though it was his own cause. He does as much damage to the Spaniard as he possibly knows how.

Q. Does that individually and also in the collective army?—A. Yes, sir.

Q. I suppose, from the account I have heard, that there is a large area of the eastern provinces in which the Spaniards have never penetrated.—A. Yes, sir.

Q. That is devoted to agriculture?—A. To agriculture entirely.

Q. Any stock growing?—A. Not only stock growing, but vegetables for the use of the army; plantains, yucca, sweet potatoes, etc.

Q. Coffee?—A. In the eastern part of Santiago de Cuba coffee is grown in large quantities; in Camaguey none whatever; I mean no considerable amount. Of course you may find in the rear of some of the houses from 10 to 100 coffee trees, and they are bearing, but no considerable amount of coffee is grown in Camaguey.

Q. In a general way, is the Cuban army supplied with coffee?—A. It is not.

Q. Supplied with tobacco?—A. Supplied? No, sir; it is not. The individual members of the army get tobacco occasionally.

Q. They get coffee also?—A. No, sir; they could not, as a rule. I could not get a particle of coffee for four months that I was with the army. I could not get a drop; could not buy a grain.

Q. Some persons speak of wild coffee trees in certain portions of Cuba. Have you ever come across them?—A. No, sir; I never came across any of them. I have had corn coffee—coffee made from corn—but that is quite a rarity to some of us. There is not such a very great difference in the taste.

Q. Have the Cubans, the rural population, any way of reducing the sugar cane to molasses or treacle? Do they boil it down and make molasses?—A. No, sir; there is no cane growing in Cuba.

Q. Not in Cuba?—A. In the part of Cuba I have been in.

Q. They do not grow it there?—A. No, sir.

Q. There are some portions devoted to sugar and some to tobacco and coffee?—A. Yes, sir; that is it exactly; and they also have gardens devoted to the use of the household.

Q. Are there any considerable number of deserters or prisoners taken from the Spaniards engaged in the eastern provinces in stock growing or stock herding?—A. Yes, sir; I believe Garcia took the prisoners from Wymero and sent them to the eastern part of Oriente, and had them engaged in tilling the crops, and for all I know they are there still, tilling the crops, but it is the only instance I know of. I know it to be a fact that the Cuban government pays every deserter so much for his rifle. When he deserts, he brings his rifle and ammunition over to the Cubans usually, and I know his rifle is taken, and he is paid so much in gold for it.

Q. And then released?—A. Yes, sir; he can do as he desires; he can enter any branch of the service of the government that he desires, without a question.

Q. So he can become a Cuban volunteer or not, according to his own fancy as to what he wants to do after he gets with them?—A. Yes, sir.

Q. Would you say, from your own observation, that there had been much of this desertion from the Spanish lines?—A. I have had very little chance of seeing the deserters, but from—I have had no knowledge of that personally.

Q. What is your information?—A. From my information from other channels I should say there was considerable desertion. The greatest number of deserters I ever saw was nine or ten, I think, come in at once, and they all got somewhere between \$14 and \$15 apiece.

Q. I gather from what you say that it is not the policy of the Cuban generals to keep their troops in camp unless there is some demonstration about to be made by the enemy?—A. That is a fact.

Q. When that takes place they are quickly summoned and put to work?—A. Instantly.

Q. But that this dispersion of troops does not at all disorganize the army nor have a bad effect on its capacity for fighting when its services are needed?—A. Not at all.

Q. And in the interim these Cubans are permitted to visit their families?—A. Yes, sir; to grow their crops and look after them.

Q. They are very much in the situation the rebels were during the early stage of the revolution, when they were not fighting they were allowed to go home and look after their families?—A. Very much.



Q. And they would come back on the information of an officer to come with their guns and form a line of battle and go to work?—A. Yes, sir; except the Cubans are not called upon to form a line of battle at all. The Spanish, in traversing the country, usually traverse it with a powerful column and the Cubans want no line of battle at all.

Q. They want to fight from cover?—A. They want to ambush the Spanish. The Cubans never will fight an open fight, for the reason that the Spanish so very greatly outnumber them. Why, in our escape from Cuba, in rounding Puerto Principe, there was a column of 5,000 Spaniards out, and they were confronted by all the force they had in that vicinity—all the men they could get together. All the men had gone to General Garcia in Oriente, and they could only raise 60 men to confront 5,000. Of course, they did not confront them. They had several little tussles, but the Cubans were concealed, and I do not blame them for being concealed.

Q. You do not intimate that General Garcia, if he had any intention of a campaign, could summon only 60 men?—A. Oh, no. General Garcia could summon—I will not say how many, but a great number of men.

Q. Several thousand?—A. Yes, sir; several thousand; and have them well armed and equipped with plenty of ammunition.

Q. When these men go to their homes in this interim, do they take their guns and ammunition with them?—A. Yes, sir; all the soldier has in the field he takes to his home. He takes them with care, and looks after them, oils them, cleans them, and is observing them every day. Takes them down during the rainy season, oils them, and goes over them thoroughly once or twice a week, and usually works the lock or trigger to see that all is right. They are very careful with their arms. They have to be during the rainy season, or they would be so clogged with rust as to be unusable.

Q. The rainy season is on now?—A. Yes, sir; it begins the latter part of May and extends to the latter part of October or first of November.

Q. You have been clear through one of these seasons?—A. Yes, sir.

Q. What effect does that season have on the roads?—A. They are horrible.

Q. Makes them impassable?—A. Almost impassable. In places the horses will go in up to their knees and above. I have gone out for two hours on horseback, and the horse was walking, and it was the hardest kind of walking at the slowest pace possible. We would be over a little divide, and then we would go in away up to above his thighs, and the poor beast was obliged to stop and rest occasionally; could not go on.

Q. The Spaniards, as I understand it, in their movements or forays, confine themselves to the main roads?—A. Yes, sir.

Q. They do not undertake to go by the trails, as the Cubans do?—A. Very rarely. The Cubans have a perfect knowledge of the country. They can go from place to place without ever once touching on the public road. The Spaniards have not that perfect knowledge of the country. In case of a dispersion of a little cluster of Cubans, say thirty or forty, they can disperse immediately, agreeing to rally at a given point, and be at the appointed place at the time set. In case the Spaniards are dispersed, they can not do so; they have not that knowledge of the country; they are lost and done for.

Q. In this rainy season are the trails available?—A. Yes, sir.

Q. They are not cut up?—A. They are cut up, but still passable.

Q. In the dry season how are these great national roads you

speaking of?—A. The great national roads in Camaguey are moderately good; but I have seen the high road of Cuba—I have seen points in that where you might just as well try to fly as to get a wagon (a two-wheel wagon, I mean) over. A four-wheel wagon is simply out of the question. You could not do it. The royal high road of Cuba is supposed to be calculated to enable one to pass at any time.

Q. That reaches from Havana to — —A. From Havana to Cape Maisi, the eastern end of the island.

Q. From one end to the other?—A. Yes, sir.

Q. One single road?—A. Yes, sir.

Q. The royal high road?—A. Yes, sir.

Q. That is the road you say, even in dry weather, is simply impassable at times?—A. Yes, sir. I do not know whether the places are due to the storms that have washed the road out or whether they have always been there, but I have seen places in the road where I had to dismount and let my horse pick his way alone. I was afraid to stay on his back for fear he should fall.

Q. Is Cuba a very stony country?—A. No, sir; it is not. It is only in these one or two spots that there are any considerable number of stones. In fact, all the fields—looking back and thinking of it, I do not recollect passing a 5-acre field of stone or stony country while I was in Cuba.

Q. Are their fields or farms inclosed with fencing—A. Yes, sir; usually barbed wire; but the barbed wire has mostly been destroyed—has been cut.

Q. So that cattle now are all loose and roam at large throughout the country?—A. Yes, sir; the horses did the same until they were finally gathered in portreros and retained there for the use of the Cubans.

Q. Take it by and large, what kind of a grazing country is Cuba?—A. A magnificent grazing country. The grass is nutritious and grows very, very high, and the country affords grazing ground for an enormous number of cattle.

Q. That is one great resource of the Cubans? A. Yes, sir.

Q. They do not have to go far to get forage?—A. It is a godsend to the Cubans; but late last fall prairie fires began to start here and there and elsewhere, and by and by there was no grass at all. For leagues along the way we could not find a particle of grass. The ground is as black as your hat and as smooth for the want of grass as that table. But now the grass has sprung up again, and now you can obtain pasturage for your horse in any part of the country; but then you had to push on for 5 or 6 leagues at least to get where grass was to be found.

Q. Do the Cubans feed their horses on grain at all?—A. No; grass entirely. In La Villas they feed their horses sugar cane.

Q. Good feed?—A. Splendid. They give them sugar cane and grass in Camaguey, and in Oriente they give grass only.

Q. The cattle are never fed anything?—A. Never at all, or watered, except in the case of a man who has a well and a pump on the well or a bucket, and no water or river of water near. He, of course, will fill the water trough with water, and the cattle will come in and drink from it.

Q. Take the country generally, is it well watered?—A. Yes, sir.

Q. Good water?—A. Very good, indeed.

Q. What is the effect on the rural population of this rainy season; do they appear to have worse health in the rainy season?—A. Not a particle. Their health appears to be about the same at any season, without reference to the season.

Q. Is it good?—A. Yes, sir; very good, indeed. The Cubans are careful not to expose themselves, very careful; they do not expose themselves any more than they are absolutely compelled to do to these rains.

Q. Are the rains warm or cold?—A. Usually warm, but last August there was one day I recollect that I was on the march, and I got about three-fourths of a league from where I was going when a furious storm broke. I was in the midst of a deep, heavy woods; could not see any sky at all until I got to the edge of the clearing. When the storm broke, wasn't that water cold? I thought I was in Iceland. I almost froze before I got to a house a half a league from there, on cleared ground. I was wet through to the skin in about a second. I had on very light clothing, but as soon as I got there I changed and put on a little heavier clothing, and I was not warm even then. My teeth chattered and I shivered and shook for two or three hours, and I finally took my blanket from my hammock and wrapped that about my shoulders to try and keep warm.

Q. That is only an occasional thing?—A. Yes, sir; that was the only time during the entire year. I simply cited that to show that they do have such things.

Q. A man who is not acclimated and did not know how to protect himself under those circumstances would be very apt to be very sick?—A. Not if he took care of himself; but if he went out and about he might have the fever.

Q. What is the result of those rains on an unacclimated person?—A. If they have no hammock and no house to shelter in it is bad; they will, as sure as fate, get the fever.

Q. Is most of the fever in Cuba yellow fever?—A. Yellow fever is the principal fever that is fatal, but I have never seen a case among the rural Cubans.

Q. Have you seen smallpox?—A. Two or three cases only.

Q. Do they take precautions against smallpox? Are they vaccinated?—A. No, sir; because they have no vaccine matter, but they take precautions by isolating the patient and nurse and keeping them isolated.

Q. They are careful about it?—A. They are as careful as they can be, and immediately following the recovery or death of the person from the smallpox the house and its contents are burned.

Q. The habitations of the rural portion of Cuba, of what are they constructed?—A. Of the palm leaf almost entirely. They take several poles, or sticks, if you will, and plant them in the ground at regular intervals, and over these they lash other poles with thongs taken from the trees and from wild vines, and on those poles they place palm leaves for the roof.

Q. Thatch them?—A. Yes, sir.

Q. Does that make a good protection?—A. Yes, sir; splendid. In fact, I do not recollect being in a house in Cuba that leaked, unless it had a hole in the roof such as you put your head through or something of that kind.

Q. They have no chimneys?—A. No, sir.

Q. Do their cooking outdoors?—A. Yes, sir; or else—we will say here is the house [indicating]—they will leave this part, have a little partition across the center, and this part is entirely open; no walls.

Q. A shed?—A. Yes, sir; and in that corner they will have a fire, or in case it is a large place and has several of these houses, this portion is inclosed with a roof and has sides. In case they have several, they

have a little place beside it that they will use for a cook house, with a fireplace constructed in the center, but with no chimney or anything of the kind.

Q. You speak of the sides of an inclosed house. Is that composed of palm leaves?—A. Entirely.

Q. That is the chief material for the construction of houses?—A. Yes, sir.

Q. Does it grow abundantly?—A. Yes, sir; they have hundreds of thousands of palm trees.

Q. Are these palm leaves cut and dried for this purpose?—A. They are cut and allowed to remain in the sun to dry for a number of days before they are used.

Q. It makes them tough?—A. I do not know how it makes them, but they make a good roof—a very good roof.

Q. Do you suppose, in times of peace, that the rural population of Cuba live with any degree of comfort?—A. I think they did, in times of peace. From what I have seen of them in times of war, and comparing the life they now lead, I should say they must lead better lives in times of peace.

Q. An abundant supply of food?—A. Yes, sir; some of them have an abundant supply now.

Q. Fruits abound?—A. Very, very many.

Q. In great varieties?—A. Yes, sir. The mango was becoming ripe when I left Cuba, and I have no doubt everybody there is now eating them.

Q. Are they very nutritious?—A. Very. It is a fact that during the last war the entire army was given 40 mangoes a day and nothing else.

Q. For rations?—A. Yes, sir.

Q. How long does that crop last?—A. Four or five months.

Q. In the wet or dry season?—A. In the wet.

Q. It comes in the wet season particularly?—A. Yes, sir.

Q. Is the principal cropping done during the wet or dry season?—A. I do not know how that is; I have never seen them during a time of peace. I should say, as a rule, in the wet season the crops grow best.

Q. And ripen at the end of it?—A. Yes, sir; by the end of it they are thoroughly ripe, and harvested.

Q. I should suppose it does not require much physical labor to secure a living.—A. No, sir; if you merely disturb the ground and drop a little seed that seed will grow if you never touch the ground again. It is not necessary to pay any attention to the ground, plowing it, and going over it continually with the harrow, as in the north.

Q. Taking it all together, in its animal life, its vegetable productions, its fruits, and its grasses, you would say Cuba is an unusually abundant country?—A. Cuba is a paradise; Cuba is a paradise in times of peace.

Q. Is it a pretty country?—A. Indeed it is. Riding along the road, to the right side or to the left, you will see the elevations looming in the distance, and they are covered with forests, light or dark green, and it is one of the most beautiful sights or outlooks one can see. Again, without hesitancy, you are between rows of trees and in a dense, dark shade, terribly warm in the sun, and yet in the shade very nice and cool, and you have good herba or grass for your horse, and the scenery on some of the lakes is most beautiful.

Q. Taking the climate of Cuba, during the wet and dry seasons, should you say it was agreeable?—A. Very agreeable, taking the year round. Of course, during the rainy season it is too wet, and during the hot season too dry.

Q. Too dry and too wet?—A. Yes, sir; I should say the climate is all that could be desired of any climate.

Q. I do not know whether you have thought about it or not, but how do you account for the fact that the Spanish navy has made so few captures of expeditions?—A. I can not account for it. The only expedition they have captured is that of the *Competitor*, and that was merely a little sailing boat, that could not do anything in the nature of getting out of the way. They surely have the gunboats, but, I believe, one trouble is, or has been heretofore, that they have not cleaned the bottom of their gunboats for several years' time, and the result is they have got barnacles and one thing and another on the bottoms of their boats until they can hardly see them.

Q. When you escaped from Cuba you came off in a common boat?—A. Not in a gunboat; a 16-foot, small sailboat.

Q. How many days were you out?—A. Four days. We landed at Nassau.

Q. Did you come across any war ships?—A. Not a one. Did not have a sight of a Spaniard or a Spanish ship, and I thank the Lord we didn't. I had no desire that we should see them. I was praying, on the contrary, that they would remain out of sight.

Q. I suppose, therefore, that communication between Cuba and the outside world—the different islands of the Caribbean Sea and the United States—is practically open?—A. Well, it is open, and yet at the same time it is closed, for the reason that you will not find a man willing to make that trip from choice. If he is ordered to go, that is different, but he will not take it from choice. In that direction I can say I wrote home, on an average, about once every second week all the time I was in Cuba, and I thought my mother wrote to me. I did not know anything about it, but she had said in one of her letters that she would write to me. But I looked in vain for a letter from August until February, and then I received two, one announcing my brother's death and calling me home. I got home and found that just about the time I ceased hearing from home they had not heard from me, and they had not heard anything from last August until they received a telegram announcing that I was in this country, and saw an interview published in the paper.

Q. Through what channels did you receive these letters that you did receive?—A. I do not know; they were all addressed to the junta in New York to be forwarded.

Q. They were addressed to you?—A. Yes, sir; and I received them until last August, when everything stopped.

Q. When you sent the letters did you send them through the Spanish post-offices?—A. At times. Sometimes I sent them that way and they went through without trouble, and at other times they were never heard from. Sometimes they were sent to neighboring islands in small boats, such as we escaped on.

Q. What is the distance from Puerto Rico to Cuba?—A. I do not know, nor do I know what the distance is from Nassau to Cuba.

Q. Since you have been in Cuba have you either known or heard of any cruelty being practiced by the Cubans upon Spanish prisoners?—A. No, sir; I have not.

Q. Neither know nor heard of it?—A. No, sir; neither have I known or heard of any cruelty by any Cuban toward any Spanish, or Cuban either.

Q. If such thing had occurred you would have known of it?—A. Yes, sir; I would have heard it. It would have been heralded and blazoned over the camp as publicly as if in the newspaper. Everybody would

have been literally filled with talk of that cruelty toward a prisoner. But that is not so on the other side. I have heard of many, many stories of cruelty on the part of the Spaniards, although I have seen none. At the siege of Wymero, which was taken by Garcia by storm last November, at the siege of that town, there was the commandant of the town and 15 or 18 soldiers wounded, some very seriously, some comparatively slightly. What did Garcia do? He sent word to the nearest Spanish fort that he had such a number of wounded men, and that they were at liberty to send for them an unarmed force, to get those wounded men, and in time the unarmed men showed up at the camp. Garcia promised they would be respected, and they were respected, and not only so, but those men and their wounded companions were escorted back to their camp by two companies of Cubans, to see that no wandering band of Cubans inflicted any damage on them. What would have been the result if the Spanish had captured that number of wounded men? Would they have sent them into the Cuban camp? Not by several degrees. They would have bayoneted them all or hammered all semblance of humanity out of their faces with the butts of their muskets.

After having read and corrected the foregoing statement I sign the same, under oath.

HARRY W. DANFORTH, M. D.

WASHINGTON, D. C., *July 2, 1897.*

## STATEMENT OF MR. C. F. KOOP, FEBRUARY 21, 1898.

## Examination by Senator MORGAN:

Q. Please state your name, age, and place of residence.—A. C. F. Koop, 39 years of age, and resident of Boston, Mass.

Q. How long have you resided in Boston?—A. Fifteen years.

Q. What has been your occupation there?—A. I am in the tobacco business.

Q. Buying and selling tobacco, or manufacturing it?—A. Buying and selling the raw material.

Q. Have you had trade in Cuba?—A. Yes; all the time, more or less.

Q. Has it been at any time extensive?—A. Quite extensive.

Q. Had you ever been to Cuba before your last visit?—A. Yes; two or three times.

Q. Do you speak Spanish fluently?—A. I speak Spanish; I can not say that I speak it fluently.

Q. What are the principal tobacco districts in Cuba?—A. Vuelta, Abija, and Santa Clara.

Q. Did you ever travel over this district before your last visit?—A. Once before, but not as extensively as I did this time.

Q. When did you make your last visit to Cuba?—A. I got there on the 6th of January.

Q. When did you leave?—A. I left on the 12th of February, a week ago last Saturday.

Q. How did you occupy your time while you were in Cuba?—A. Largely, of course, looking after my business, and in traveling through the island from one point to another.

Q. Did you travel on passes?—A. No, sir; on money.

Q. I didn't mean that. Did you have a permit?—A. Yes; I had my passport, having been told that it was absolutely unnecessary for an American to have any special pass.

Q. Could you, with the passports, have had access to the lines of the insurgents?—A. No, I could not; not without some difficulty.

Q. Would the Spanish troops allow you to pass out?—A. No, the Spanish troops would not allow you to pass out.

Q. Would the insurgents have been willing to receive you?—A. Yes. I have met the insurgents in various districts. If I went to the lines of the insurgents, outside of the military lines of the Spanish army, I would have had to do it through a great deal of maneuvering and difficulty.

Q. Can you give us a statement of your itinerary through the different provinces?—A. Well, I left Havana the very day after I arrived from New York, and the first stop I made at that time was at Cardenas, which is not a tobacco-growing place or situated in a tobacco-growing district. I went there to consult with the man from whom I bought some property. I stayed there two days.

Q. Now, how far is Cardenas from Havana?—A. About 160 miles.

Q. Did you find the country in cultivation?—A. Absolutely none, except around military towns.

Q. What was the condition of the population at Cardenas?—A. Something horrible; something beyond all description.

Q. Do you apply that to the reconcentrados as well as to the people who are not affected by that order?—A. I apply that strictly to the

reconcentrados, because the condition of the other class of the population is altogether different. They have something on which to live; they have their homes, too. The number of reconcentrados forced into Cardenas amounts to 35,000, out of which about 26,000 have died.

Q. What you saw, then, was a people in a very pitiable and starving condition?—A. Yes. At one time I saw a woman lying in a doorway in Cardenas with two dead children lying in her arms, and herself absolutely unable to speak, or even make a motion. She was in the last stages of starvation.

Q. What doorway was that?—A. I don't know exactly; but it was on one of the leading streets there. I can not exactly describe the doorway. Then again, I saw four or five crazy men—lunatics—who were chattering, laughing, crying, cursing—horrible beyond description. And inquiring what brought them to that crazy state from an individual in the Hotel Union there, I was told that it was brought on them by starvation, mainly. With one of them it was the result of finding his whole family starved, and he not able to help them.

Q. Do you know whether any of the benevolent offerings of the United States had reached Cardenas yet while you were there?—A. No, they had not.

Q. Can you state any fact which will show that they had not?—A. I was informed by prominent American officers that they did not have even enough to reach over the city of Havana. Nothing came outside of the city of Havana while I was there.

Q. In what kind of habitations do these people at Cardenas dwell?—A. They live in straw huts, as you might call them, built up from the ground about 7 feet high, and covered with straw. They are built like an "A" tent and are called *bojios*.

Q. While in Cardenas did you note what was called "the zone of cultivation"?—A. I noticed it very distinctly in going into the city on the railroad and in walking about the country. It is on the other side of a military line and is called zone of cultivation, and no one is allowed to go outside.

Q. Inside of that zone was there any cultivation?—A. It was filled with huts, and not much room for cultivation.

Q. Were there any crops growing?—A. No. There was no room. There were a few gardens, and little ones at that.

Q. Did you see any vegetables growing?—A. Yes; something of that kind, but very meager; not even enough for a population of 2,000, much less a population of 60,000 or 70,000.

Q. From its appearance would you suppose or would you judge that that agricultural zone around Cardenas would, if cultivated to its fullest extent, enable the reconcentrados who are upon it to live?—A. Simply impossible.

Q. I suppose Cardenas is a fortified town.—A. It is. It is a seaport town and is also fortified with blockhouses in the rear, and has also one or two small forts there.

Q. You spent two days, I believe you said, in Cardenas?—A. Yes.

Q. During that time did you observe that there was any business being carried on from the outside?—A. Very little indeed. Every man whom I interviewed, from the hotel men to the ship brokers, said that business was absolutely at a standstill.

Q. Was the gentleman you went there to see one of your customers or correspondents?—A. He was. He was the man from whom I bought property.

Q. Did you know him before?—A. I did.



Q. What was his condition as regards business?—A. He was a man who was at one time very well off, and even now has some property and manages to get along rather well.

Q. If I get a correct idea of your statements, the land between Havana and Cardenas was a waste, and the country around Cardenas a waste?—A. Yes. I will give you a fuller description. On my journey I passed through the following towns: The first one of any importance was Jocoro, and the condition around there was pitiable, the children and women gathering around the depot and asking for pennies and for bread and crying with hunger. It was too horrible to describe. The next town of any importance was Baidá, and the condition there was the same. The next town was Agguata, of seven or eight thousand population, and into this town were forced 10,000 reconcentrados. The condition in this town was something terrible, and I understood from the conductor of the train that in this town out of 10,000 population only about 2,000 lived.

The next town was a small one—Empline—which was in the same condition as the others, the women and children running around the depot begging. The next one was Mocha. This is a very large town, and into it had been forced from eight to ten thousand reconcentrados, and very few of them lived. I remember we had to lay over there for half an hour, and I got out and examined some of the huts. They were all scattered along the railroad track, hundreds of them in a row. I went through a great many rows, and looked into a great many of the huts. They were empty, their occupants having died. About one-fourth of the huts were occupied and the rest unoccupied. The next town was Matanzas.

Q. As you have mentioned Matanzas, please to describe on your visits there what you saw.—A. Matanzas is one of the worst towns on the whole island. It has a population of 70,000.

Q. Is it a fortified town?—A. Yes; it has a very large harbor, and in ordinary times does a good business—sugar business especially.

Q. What was the state of business as you observed at the time of your visit?—A. Absolutely at a standstill. Everything in the way of manufacturing is at a standstill, and the condition of the reconcentrados in Matanzas, what there is left of them, is about as bad as you will find anywhere on the island.

Q. How many had been assembled there?—A. Somewhere between 35,000 and 40,000.

Q. How many were left when you were there?—A. About 8,000 or 9,000.

Q. You saw them?—A. I did. As I have said, at every railroad station crowds of women and children gathered around and begged for money and for bread. It is an everyday experience.

Q. What they live upon, I suppose, is alms?—A. Alms, yes; which they get from strangers passing through the towns. The Government is not making any attempt to feed them, and the local people there are in such a condition that there are few of them who are able to give anything; and those who would have been able to give them something have left the country. In fact, that is the same story of a great many towns. The people who live there and belong there are poor themselves, and are not able to help these people even if they wanted to.

Q. Now, about the "zone of cultivation" around Matanzas?—A. The "zone of cultivation" around Matanzas is, of course, considerably larger than around the other towns, but in proportion to the population there is in Matanzas to the proportion of reconcentrados who have been

forced in there it is even smaller, I presume, than in some of the other towns. Into that town of 70,000 population were forced 35,000 or 40,000, and that is quite an addition to a town, and for that reason the line of cultivation, while it is larger than in other towns, is simply insufficient for such a population as there is there.

Q. Could you see from appearances that the population of reconcentrados were really deriving any support from these cultivation zones?—

A. It is hard to tell who receives the benefit from these cultivation zones. I am under the impression that most of the products from these cultivation zones were supplied to the city markets. They had not much of a chance to cultivate anything. What they do cultivate is done practically in the street. Between every row of huts there is a road about twenty feet wide, and along in that road, in what you might really call the street, I have seen them try to plant potatoes, etc. I have at various times tried to find out where the vegetables, etc., which were raised inside the military zone went, but was never able to find out. I was always told that they were sent to the markets.

Q. Was that supply of any real consequence toward the support of the population?—A. It was absolutely insufficient. In all my experiences with the living expenses in the interior of Cuba, I will say that it is something phenomenal, and altogether beyond the reach of ordinary individuals. I have paid at various times 25 cents for a little piece of bread which weighed not more than two ounces. For two eggs and rice I have paid anywhere from 50 to 75 cents; and for a small piece of ice, such as you would want for your glass of water, I have paid 25 cents. Beef and other meats, if they have any, is enormously high in price and absolutely unfit to eat. The only thing they have there on which you could really live is rice and eggs, and occasionally some potatoes; but they are all very expensive.

Q. Are there any other incidents attending your visit at Matanzas that will throw any light on the condition of the people there?—A. Well, I did not stay so very long at Matanzas, although I was there three different times—merely stopping off to take the next train—and I did not look around so very much; not so much as I did at other towns.

Q. Proceed.—A. Guanbama is a town of 8,000 or 10,000 population. This is another miserable town, and the affairs there are in a very bad state. A great many were driven in there, but I have not the exact figures, having given it to a party in Havana, and kept no copy.

Q. Now, is that in the sugar district?—A. Yes.

Q. Did you find any business going on in Guanbama?—A. Absolutely none; and the condition there was the same as in the other towns; women and children gathering around, all in a starving condition, begging for bread. The next place was Limonar. That was another place in which the condition was very bad. I passed lots of small places of which I made no note. Next place was Coliso, which also was in a very bad state. The next place was Jovejouna, a railroad center where you change cars for Santa Clara, Cardenas, and other places; and I have passed through that place seven or eight times on my travels on the island, and during these visits I have had several times a lay over of half an hour, and during that time would go and investigate the huts.

I found them to be in horrible shape there. The town has a population of, I think, 10,000, and the amount of concentrados, I was told, amounted to as many as the population. I was informed that very few of them lived, the death rate being phenomenal. And there, also, you could see half-naked women and children in a starving condition, their

feet and stomachs swollen. After studying the disease one could calculate about how long they would live in that condition. I recall another incident. In getting into Jovejouna there was, as usual, a crowd of women and children begging; and four or five little girls came through the train begging. They ranged from three to six years of age. In the car was a Spanish officer, and as the little girls went by one of them brushed against him, and he immediately turned and kicked her in the stomach, knocking her over, and in falling she knocked over the one next to her, and so on until all five of the little girls fell down in the aisle.

It was so brutal that I felt like throwing him out of the window, but of course had to restrain myself. Quintana was another town about which about the same story is to be told. It is not so large as some of the other towns. The next town is Precio. I went through it also. The next town Reta Mal. The next one Agnica. The next is Magagna, and the next Alvarez. At the last-named place the condition was poor—a large amount of concentration to a small population, and nothing left of them. The next town is Modoza. The next Santo Domingo, a railroad center, where you change cars, and which is in very poor condition. You have all read the story of it sent here by Mr. Pepper. That is the true story, and I indorse Pepper's story of that and of other places in Cuba as being correct. Esperanza is a very bad place. Before the war it was a thriving place, but now there is nothing going on whatever. The next place is Santa Clara, which is the capital of Santa Clara Province, and military headquarters for that province also. It is a town of, ordinarily, a population of fifteen to eighteen thousand, and into that city were driven something like 12,000 concentrados.

Q. How many were there when you visited it?—A. How many reconcentrados? I have the exact figures. Out of that number 7,829 have died.

Q. From whom did you get this information?—A. Right from the judge of the civil court. He has to issue certificates for burial for everyone who dies.

Q. The account you got was of those who had been buried according to law?—A. According to law, yes; entirely.

Q. For everyone of them a certificate of burial has been issued, and doubtless very many not included?—A. Yes; a great many not included, they being carted off and buried, and we never see or hear of them.

Q. Nobody ever knows who they are?—A. No; they are gone and that's all. In the State of Santa Clara I saw so much suffering and so many horrible sights that I do not know whether there is any use in relating any of them.

Q. You can state some of the instances which impressed you as being characteristic of the situation.—A. One of the saddest, if not the saddest, sight I saw was the case of a woman who stood in front of a hotel in Santa Clara, and who dropped dead when I handed her a piece of bread. That was the saddest sight I saw on the whole trip.

Q. Did she undertake to eat it?—A. She dropped the baby which she had in her arms, grabbed the piece of bread which I handed her, drove her teeth into it and fell over dead. She had a baby in her arms and two little children hanging on to her skirts.

Q. What became of the baby she let drop?—A. The baby died that night or the next morning. I found out in the morning that it had died; and the other two children died a day or two afterwards.

Q. Died of starvation?—A. Yes; starvation.

Q. What is the condition, or the apparent condition, of the persons

in Santa Clara who are not concentrados?—A. Fairly good. That is due to the fact of Santa Clara being a railroad town and a good many rich persons living there. It is a town that has the support of the military as well as the civil government, who have their headquarters there; and all courts are held there, more or less. Of course, as I have said, I noticed that in every town the wholesale houses and shipping houses, and a great many retail houses, about one-half, are closed, but in Santa Clara there was more going on than in any other of the interior towns. You can, however, go on the principal thoroughfares and find shutters closed and doors locked. Nevertheless, the condition of the concentrados in Santa Clara is something beyond description.

I traveled around on horseback a great deal and investigated the huts of these people, and all the persons I saw in them were in the last stages of starvation. There was absolutely no food. They were in such a state that even professional nursing would not have saved them. Having stayed in that city for a longer period, and at various times, I, perhaps, investigated it a little closer than I did the other towns, due probably to the fact that I wanted to get out and see something different from what I had been witnessing. I wanted to relieve my mind, if possible. Wherever I had been there was death and starvation staring me in the face. There has not one spot inside the military line where there was a condition that would relieve one's mind, and I was sorely tempted to leave the town with my business unfinished.

Q. Were you out in the zone at Santa Clara?—A. Yes; and the story is the same as it is of every other interior town. In interior towns the zone is drawn much closer and stricter than in seaport towns. Especially is that the case with Santa Clara, Alvarez, and Cruces, because they are somewhat in the line of ranges of mountains that are not very far off, and for that reason the insurgents have more or less access to those places, and they draw their cultivation zone almost within 200 yards of the last house on the street.

Q. Let me ask you whether these reconcentrados are permitted to go outside of this zone to cultivate?—A. No.

Q. Have you seen any evidences tending to show that they are not allowed to go outside of the zone?—A. I have seen at Cruces a little boy, perhaps 9 or 10 years of age, trying to go outside, and who, not complying with the order to halt, was shot at. I myself have been stopped at various times in trying to get across.

Q. What is the condition of the Spanish soldiery in these various places as to food and clothing?—A. The ordinary Spanish soldier is in very bad shape. Of course, the officers seem to have plenty, but the ordinary soldier is in a very bad way. You see them begging in the streets in the interior towns quite often. Their clothing is very poor, and they are a sickly looking lot of men.

Q. Young men or old men?—A. Young men, 15 to 20 years old.

Q. Well, proceed.—A. Ranchuelo is another town that I visited, and found it in a very bad condition. Cruces is also a town in bad condition. Ranchuelo, Cruces, and Santa Clara are in a state that nobody would imagine. You can not imagine it. It is simply terrible. Cienfuegos is about the only town in which I can say I saw any business. Of course, it always has been a business center. All the sugar business goes there, and still the merchants complain that there is absolutely no business there. And the condition, as far as the reconcentrados are concerned, is not quite as bad as it is in other localities. Batabano, which is a seaport town and railroad center, is connected with the boats of the Southern Steamship Company from the eastern part of the

island, and to Havana. From Batabano to Havana I passed through several towns, but made no enumeration, because I was told to stop writing notes on the train.

Q. You were prevented from making notes on the train?—A. Yes.

Q. By whom prevented?—A. Officers of the Spanish army. And that same state of affairs existed several other times during my travels in Santa Clara district. In some of those travels, whenever I had a pencil in my hand and was trying to write down notes, a Spanish officer always came up and wanted to know what I had written down. I usually told them that I had simply written down the name of the town. In traveling on any road from Havana to Santa Clara, or in any direction east of Havana, the travel is very light. In fact, many times I was the only passenger on the train. Every train is guarded by a strong military force and the cars are ironclad. The road from Batabano to Havana has an immense amount of military guards around it. Every mile you will find a whole column of Spanish cavalry, guerrillas, marching along up and down the track.

Q. What is the distance from Batabano to Havana?—A. I do not know exactly, but presume it is about 20 miles; and in that distance there were in the neighborhood of 3,000 soldiers—men on horseback guarding the road.

Q. Were your visits to the large cities mainly for business?—A. Yes; altogether on business.

Q. Now, is Cuba a fertile country—the parts you saw?—A. The most fertile country I ever saw.

Q. Suppose those reconcentrados had just been allowed to go out into the country, could they have made a subsistence on the native productions?—A. Yes; they could have lived alone on the articles which grow in the district of Santa Clara or any other part of the island.

Q. That you saw.—A. Yes. There is an abundance of sweet potatoes, bananas, and other fruits which are very nourishing, and which the natives, to a large extent, use in their daily existence.

Q. In passing through the country did you see any herds of cattle?—A. Absolutely none. All the cattle I saw were strongly guarded by military forces along the railroad, and they were very few at that.

Q. The country had been stripped of its cattle absolutely?—A. Yes. The price of cattle has increased 200 per cent, and as I have said before, all the cattle I saw were under a strong guard of Spanish soldiers; and there is no cultivation going on in any part of the island that is not under the guard of the Spanish army, or, rather, Spanish arms.

Q. According to your observations, how do the Spanish get their provisions?—A. Provisions are sent in from seaport cities somewhat. My observation has been that the Spanish troops suffer almost as much as the native population for the want of food. They are not properly fed. There is no question about that. They themselves acknowledge that they beg for bread. Of course the officers do not come under that category.

Q. From what you saw, and from what you have learned while you have been in Cuba, will you say that there had been any relaxation of the military regulations in respect of those reconcentrados, of this population, since Blanco has gone into power?—A. None. Whenever I had an opportunity I made inquiries as regards that point, and was told invariably that the agricultural zone existed just the same as it did before.

Q. Did they say that was because the soldiers would not obey Weyler's orders, or because they were not required to do it?—A. They did not

receive any orders. I have not understood that at any time there were any orders in any of the interior towns to relax any of the agricultural zones. The people who are there just have to starve to death.

Q. Did you, at any place you visited in Cuba, ascertain or learn that the Spanish Government was making any provision for the reconcentrados?—A. Never. I have not, in all the thirty-odd towns in which I have been, I have not heard that the Spanish Government has supplied or helped to supply any starving individual with bread or anything else.

Q. Did you meet with any of our consuls in the interior of Cuba?—

A. Yes.

Q. Did you have opportunity to know whether they had been contributing out of their private resources to the support of these poor people?—A. All the consuls whom I have met have done a great deal toward the betterment of the starving individuals there out of their private means.

Q. Would you give it as your opinion that they had expended all their salaries beyond their living in this effort?—A. I would not hesitate to say that they have gone beyond it. I know that as a fact.

Q. Did they manifest a spirit of charity and generosity toward these people?—A. Yes.

Q. I will ask you generally whether, from your observation, our consuls have interested themselves earnestly in the effort to relieve the unfortunate condition of the people in Cuba?—A. I can say right here, that in all my observations I have felt proud of General Lee and of every consul in whose province I have been; proud of the way they have treated and helped some of the starving individuals at their own expense.

Q. From what you could gather while you were in the interior of Cuba, would you say, and is it your belief and opinion, that our consuls in the interior have used all of the means that came under their control, public or private, to save these poor people from starving?—A. There is absolutely no doubt on that point. They have not only used the means given to them publicly, but have used also their private means, working day and night, to further the interests of those poor individuals.

Q. For what purpose did you visit Washington, and what was your method in coming here?—A. In the first place, being in Cuba all this time, and seeing all the suffering, day in and day out, and night and morning, it was absolutely impressed on my mind that the suffering there was not the fault of those people. It was not men who were suffering, it was women and children. They were driven from their own homes and forced into these military lines. When I came home, and on my way over, I could hardly sleep at night. I brooded over the matter, and at length decided to come to Washington and free my mind to some person in authority here, or to the Senate, the House of Representatives, or wherever I could find someone who would try to do something. It was not because I wanted any political changes on the island, or that I cared what government they had. My only point in coming here was simply to try and save these 400,000 who are still left from starving, although there is quite a number of them beyond help.

Q. Do you believe that if the Congress of the United States would vote an adequate sum to buy provisions for these people it would reach them?—A. No; I do not.

Q. Why?—A. Simply because it would be impossible for the American authorities to get the property into the interior of the island; and

even if it did get there, there would be only about one-third of it, as the rest would be absorbed by the Spanish Government and soldiers, and distributed among the Spanish people rather than among the Cubans.

Q. Do the Spanish treat the Cubans with repugnance?—A. They feel that a Cuban is worse than a dog.

Q. You think, then, that the purpose of the regulation was really to starve these people to death?—A. Yes; the sole purpose. It is well known that 900,000 of those natives were forced in from their homes and out of that number 500,000 have died already. Therefore the results have proved the motive.

Q. What was the apparent relation between the soldiers and these reconcentrados, or did the soldiers seem to have any sort of human regard for them?—A. Many of the soldiers are low spirited and absolutely incapable of having such resentment, because, in the majority of cases, they were mere boys and in such a condition as to be hardly able to take care of themselves. The repugnance was largely among the officers and the Spanish guards, which is the flower of the army. They are in better condition than the common soldiers. The Home Guard, picked men, are also in better condition.

Q. What is the feeling of this class that are in better condition—what is their feeling toward these poor reconcentrados, as you saw it?—A. There was a sort of a feeling between them that they would eat at one another's table, if they could. If one had anything, they would give it to the other. There was no animosity among the ordinary soldiery of the Spanish army. I am not speaking of the volunteers, nor of the Home Guard, nor of the officers, but the ordinary soldier. I never noticed any particular hatred between them and the natives.

Q. How is it with the officers of the Home Guard?—A. They consider the Cubans like so many brutes.

Q. With contempt?—A. Yes; absolutely.

Q. I suppose these reconcentrados of whom you have been speaking are natives?—A. Absolutely all natives.

Q. All natives of Cuba?—A. The majority are white. They are of Spanish, French, and other nationalities, but largely Spanish, with some colored people among them.

Q. If I comprehend your description of the interior of Cuba, it is a country that is almost entirely wasted and destroyed?—A. Absolutely. There is nothing at all going on in the interior of Cuba. No houses standing. Ruined sugar estates wherever you look. Wherever there is any sugar growing you will see a force of soldiers guarding it, these soldiers being kept there by the sugar owners, and are therefore able to exist.

Q. It is already then a country laid to waste?—A. The whole country is a waste.

Q. In the present condition of these people, would it be possible in their weak state that they could survive by the assistance of the fruits of the earth?—A. A great many of them now, if let loose, would recover at once—women especially, although a great many of them are absolutely too feeble to move much.

Q. What per cent of them, as you saw them, would you say would be able and capable, if they were turned loose, of going back to their places where they formerly lived, or to any other place, and get an existence out of the wild fruits, potatoes, etc., which grow in the interior?—A. Seventy per cent would be able to go back.

Q. If they were let loose?—A. Yes.

Q. So that retaining them is starving them in the face of opportunity to live?—A. Yes, it is.

Q. Then, you think—it is your opinion—if I understand you, that the failure to relax the orders of Weyler in regard to the reconcentrados of this people to hold them, is still the actual and direct cause of their present starvation?—A. The only cause.

Q. While you were in Cuba, were you in control of any large amount of means for the purpose of assisting your former customers?—A. I was in position to buy merchandise to quite a large extent, if I had been able to find it.

Q. To what extent?—A. \$25,000.

Q. You could not find the merchandise?—A. No; absolutely none. The kind of merchandise for which I was looking (tobacco) was not to be had.

Q. Are owners of real estate in Cuba, as far as you observed, anxious to dispose of it?—A. There is a large amount of property which has been absorbed by the American citizens in Cuba; a very large amount of it.

Q. Well, is there an anxiety on the part of those landholders to dispose of their estates?—A. There is. Some of the Spanish landholders are selling off all they have.

Q. What did you learn about the emigration?—A. About 400,000 to various American cities from Cuba.

Q. Were they a class of people who had means of emigrating?—A. They were the people who could get away.

Q. A very large part, then, of that class must have left the island?—A. Yes.

Q. Those who remained were the poor people and the soldiers?—A. Yes.

Q. Did you make any computation of the number of lives that have been sacrificed in Cuba through war, starvation, and disease all put together?—A. Yes; I have at various times asked that question of officers, and learned that the amount of people who have died from sickness and starvation is somewhere in the vicinity of 600,000. Of course that does not include Spanish soldiers.

Q. Does it include the insurgents?—A. It does. It includes the death rate in the Island of Cuba, excluding Spanish soldiers.

Q. You think rather above it than below it?—A. Rather.

Q. You have made careful examination on that subject, and have consulted with men who had opportunity to ascertain as to the statistics?—A. Statistics have been collected carefully, and are obtainable by the American Government if it wants them.

Q. And are obtainable by the authorities?—A. Yes.

Q. Did you ascertain, or did you observe while you were in Cuba, from what country the Spanish Government obtains its supplies for its army—all the coal and provisions and other necessities?—A. In that respect, I have not made a great many inquiries. I heard in Havana from an English shipping house that the Spanish Government tried to force all their merchants to buy whatever they had to from the Spanish merchants, instead of allowing them to buy from Americans.

Q. Is the coal which is brought into the island from the United States or from a foreign country?—A. I judge it is from a foreign country.

Q. What was your judgment, from all that you saw, as to the state of feeling of the Spanish people and the pro-Spanish people toward the people of the United States in the Island of Cuba?—A. Well, the Spanish business men would all like that the island be annexed to the United States in preference to its being continued under Spanish rule. There are, of course, two or three different parties there. For instance, the Independents and the Annexationists.



Q. Among the native Cubans, or those persons who have been a long time residents of the island, did you find any hostility toward the United States?—A. Absolutely none. Whenever I met any Cubans they were always anxious to do everything they could for me.

Q. In going through Cuba did you meet up with acquaintances of former years?—A. Yes.

Q. Were they numerous?—A. No; not very.

Q. Did you have consultation and conversation with men of character and influence?—A. I did. I have met some of the leading members of the autonomy government, and also some of the present Spanish administration.

Q. Now, without stating with whom these consultations were, what conclusion did you reach as to the popularity of the autonomy movement in the interior towns?—A. One that any man would come to after having visited the island for even a short while, and that is that autonomy is a matter of indifference there, and it is only believed in by a very few persons, and those are largely concentrated in the city of Havana. When you come outside the city of Havana you find no autonomy party.

Q. You think, then, that the probability of that form of government being accepted in Cuba is small?—A. It will never be accepted. It will never be accepted by the Spanish people.

Q. As I understand you, you are not speaking of the insurgents?—A. No; speaking of the Spanish people themselves.

Q. Were these consultations and conversations with men of such character as to lead you to satisfactory conclusions as to the opinions you have just expressed?—A. They are, in fact, men of very high standing and leaders of the autonomy movement in the city of Havana.

Q. Your acquaintance with Cubans grew chiefly out of business relations?—A. Chiefly with the Spanish and Cuban merchants.

Q. And have been of sufficient years' standing?—A. Oh, yes; a number of years.

Q. Did you ascertain in Cuba whether or not the leading men engaged in business pursuits had any confidence in the good faith of the Spanish Government?—A. There is only one answer to that: Nothing. They have no confidence in the autonomy plan the Spanish Government has so far offered.

Q. Was the subject of an American protectorate in connection with autonomy discussed?—A. It was generally discussed by merchants and business men that if they could get an American protectorate with autonomy they might have some confidence.

Q. Their willingness was, after all, upon the intervention or protection of the American Government?—A. Yes; absolutely.

Q. Under the most favorable of circumstances, if Spanish authority was fully reinstated in Cuba by the subjugation of the insurgents, would you expect Cuba to be able to regain its former conditions within a number of years?—A. Not within a number of years.

Q. How do you believe it would be in the event of the success of the insurgent army, accompanied by close and friendly relations with the United States; what do you believe it would be then?—A. I believe that the Island of Cuba would be in a flourishing condition inside of two or three years. There are hundreds of thousands of Cubans who have emigrated. They would return to business on the island, and citizens from other countries would also go there.

Q. And invest money?—A. Yes, and invest money.

Having examined and corrected the foregoing statements made under oath to John T. Morgan, a member of the Committee on Foreign Relations of the Senate, and having stricken out some passages that are true, but may affect the interest of myself and others unnecessarily and dangerously, I make oath that the statement as revised is true to the best of my knowledge, information, and belief.

C. F. KOOP.

FEBRUARY 21, 1898.

DISTRICT OF COLUMBIA, CITY OF WASHINGTON:

Subscribed and sworn to before me this 21st day of February, A. D. 1898.

[SEAL.]

R. B. NIXON, *Notary Public*.

**STATEMENT OF COMMANDER R. B. BRADFORD, U. S. N., March 30, 1898.**

Commander R. B. BRADFORD, U. S. N., sworn by the chairman.

Examination by Senator FRYE:

Q. Please state your name and profession.—A. R. B. Bradford; naval officer, at present Chief of the Bureau of Equipment, Navy Department.

Q. What experience, if any, have you had with torpedoes?—A. I have been on duty at the torpedo station at Newport, R. I., when it was a school of instruction, as instructor and lecturer in torpedo warfare, altogether for a period of about six and a half years, and during that time I conducted a great many experiments with torpedoes and saw a great many explosions and the effect of torpedo explosions on small vessels and various kinds of materials; probably have had more experience than the average naval officer in that direction.

Q. Suppose you state to the committee the several kinds of torpedoes.—A. At the present day torpedoes are largely employed, under the name of mines, for harbor defense. They were formerly called torpedoes exclusively—during the war of the rebellion they were known as such. Since that time they have received various names in accordance with their usage. Those used for harbor defense are placed under the army and received an army name, and are recognized as such, and are now known as mines or submarine mines. They are the most powerful, because the amount of explosive used for submarine mines is practically unlimited, depending upon the size of the case, which can be made almost any dimensions. It is only limited by methods of handling, such as derricks, etc.

The kind of torpedoes used mostly in the Navy are known as electro-motive torpedoes, sometimes termed fish torpedoes, and now they are generally or frequently spoken of by the names of the inventors—the Whitehead, the Sewartzkoff, etc. They are all of the movable type, ejected from a tube, and contain, you may say briefly, all the mechanism of a complete steam vessel, provided with engines and motive power, means of steering, and carry in their forward ends an amount of explosive which is limited to about 100 pounds, gun cotton usually, and exploded on contact with any object. They have been very carefully designed and improved for a period of thirty years, so that they are now very perfect pieces of mechanism, mostly used from torpedo boats and torpedo destroyers and torpedo cruisers. They were formerly used in all naval vessels, but with the advent of rapid-firing guns, etc., they have been largely discarded for use in tubes above water, except the small vessels which I mention, such as torpedo boats and destr-

The reason is they are liable to be hit by small projectiles and exploded on board. They are still retained for use in larger ships for tubes under water, where they are protected by the water from shot or by armor.

Our cruisers formerly fitted with them are now discarding them for the reasons I have given. Then, of course, there are a great many improvised torpedoes, and a kind that is frequently carried on ships of a small size, and sufficient to destroy or disable larger vessels, carrying from 50 to 100 pounds of explosive, known as electro mechanical torpedoes, carrying a small battery inside with an arrangement that when it strikes the circuit of this battery is completed on an explosive, and they are discharged. They are for the general purpose of fencing in ships that are disabled, or of being planted in narrow passages where enemy's vessels may pass. They are mobile affairs that are carried like any destructive material on board ships of war. Those three are the chief kinds used to-day, but any kind of torpedo can be improvised from almost any water-tight vessel, and are depended upon more or less, but the three kinds which I have mentioned are the perfected kinds.

Q. What is the difference between a torpedo boat and a torpedo-boat destroyer?—A. Only in size. The destroyer is larger. It has the advantage over a torpedo boat of being more seaworthy and stronger. It is a steamer designed to destroy torpedo boats, being a larger and more powerful vessel. The name indicates the idea of the design. They are capable of being used in rougher water, and they have a larger radius of effective use, carrying more supplies, and more coal, and more men. They carry also more guns and heavier guns. Torpedo boats of about a hundred tons' displacement carry only small guns and are in every way inferior, but the destroyers are practically only torpedo boats.

Q. And attack a ship in the same way?—A. Yes, sir.

By Mr. MILLS:

Q. Do they attack with torpedoes or guns?—A. They are chiefly designed to use torpedoes; the guns are mostly auxiliary or incidental.

Q. How far can they send those torpedoes?—A. They are limited to about 600 yards—the mobile or Whitehead torpedoes, such as I have described.

By Mr. FORAKER:

Q. Will they go straight?—A. They are so perfected that if in perfect order they will go straight. They are subject to deviation from very slight derangement. They are handled very much as though made of glass. They require the greatest care, and will perform a great deal of work if everything is nicely adjusted. Even with the greatest care on board ship we sometimes find in our experiments that they deviate from some unnoticed or unknown cause that we can not ascertain—probably, in handling, the vertical rudder has been bent somewhat, so slightly we can not detect it. They go under water some 13 feet, so they can not be interfered with by shot after once discharged. They are also liable to be deflected by currents to some extent.

Q. How rapidly do they go?—A. They go at the rate of from 25 to 30 knots per hour.

By Mr. MORGAN:

Q. What is the impelling power?—A. Two propellers. The motive power is compressed air in tubes. When they are ejected from their tubes, the valve communicating between the air reservoir and the engines is opened, so that they act precisely, you may say, as any steam vessel—automatically.

By Mr. FRYE:

Q. Have their own machinery?—A. Yes, sir; the most perfect that can be built, of the most perfect and best material. They cost from \$2,000 to \$2,500 apiece, so you may know they are very perfect.

By Mr. MORGAN:

Q. Can they be sent from the shore without the assistance of a torpedo tube?—A. No, sir; they could not be pointed. They could be started with the aid of the trigger. The tube from which they are shot is worked very much like a gun; it is on a pivot, and is carefully adjusted, and allowance is made in firing for the speed of the ship at which they are fired.

Q. I would like to know, briefly, the danger from this Spanish flotilla of torpedo boats and torpedo destroyers?—A. I am not impressed as much as many naval officers with the dangerous character of torpedo boats and torpedo destroyers. They are frail craft, because everything is sacrificed to speed, and weights are kept down for that reason, and very thin plates used in their construction, very slight frames, and they are easily deranged. I may say that they are boats of possibilities rather than of probabilities.

Under certain conditions they are no doubt very formidable. Their chief value in my opinion is in preventing blockades, if in ports that are attempted to be blockaded. They choose their own time of attack, and of course the most favorable time. They are previously groomed up for the occasion, everything in readiness, and they slip out to a vessel outside, and try to get in their work. At sea with a squadron they are so liable to accident and so often deranged that the chances of being effective, in my opinion, are slight. I understand that the present flotilla, crossing from Spain, have been dismantled. That is to say, the torpedo tubes and guns carried on the upper deck have been taken off and are being brought over by the convoying steamer, which is a converted cruiser. That adds to their seaworthiness and stability. With those off they are completely helpless, shorn of any power.

The destroyers are supposed to be capable of ramming the small boats and destroying them that way. If within the destroying radius of a fleet, of course they can be used in the same way I described in a blockade. For instance, the port of Havana is about 90 miles from Key West or Tortugas. They have high speed. They can slip out at night, get in their work, and return under cover of darkness, and, vice versa, our own could do the same work. We happen to have no destroyers, and our torpedo boats have found it rather rough work crossing the Gulf Stream between those ports.

Q. How long a voyage, on the average, between the Canaries and Puerto Rico?—A. That depends entirely on speed and the water. It is very difficult to form an estimate. They are coming, no doubt, in a latitude where the weather is very good. The route from Las Palmas, where they left the Canaries, to Puerto Rico is through the trade-wind belt, and there is rarely any bad weather there. I presume they would make somewhere—their speed would be governed largely by the accompanying steamer—say from 10 to 12 knots. I think the distance is about 2,800 miles. Say 10 knots—240 miles a day—that would be about 12 days.

Q. Have you read the testimony taken by the naval board of inquiry?—A. Only sketches of it in the newspapers. I have not seen the full report as published.

Q. Have you read the accounts of the witnesses who testified as to two explosions?—A. Yes, I have; and previously in the newspapers.

Q. What do these accounts indicate to your mind was the cause of the explosion?—A. If you have noticed, the accounts are conflicting as to there being two explosions; some officers state they heard but one. In all torpedo explosions there always, apparently, are two explosions or two shocks. That is universally the case, and it is markedly so with a torpedo or mine on the bottom. The first appears to be transmitted by the land or by the water, and then the next appears to be the emission of this great quantity of highly heated gas into the open air, and in the same manner we have thunder after a stroke of lightning. But that is very well known to people who have exploded torpedoes, that there are always two shocks, and I have been of the opinion generally that those who thought there were two explosions confounded that fact with the idea that there was a second explosion.

It seemed to me that it was quite possible that the explosion of a mine broke the ship in the neighborhood of the magazines—we know the explosion was in the neighborhood of some of the magazines—broke some of the powder cases and dispersed this powder and at the same time ignited it, and this in a measure accounted for the flame about the ship. The result of the divers' work would seem to favor that theory. They found many powder cases broken open and battered up more or less. I do not think myself there was any serious explosion of the magazine from what I have read.

Q. What, in your opinion, did cause the trouble?—A. A mine—a submarine mine.

Q. Have you any doubt about it, after reading the testimony?—A. No, sir; I have not.

Q. In your opinion, what kind of a mine must that have been to have the effect shown there?—A. It must have been a mine of what is termed "high explosives," I think.

By Mr. GRAY:

Q. Dynamite?—A. Dynamite or gun cotton, or any of the modern high explosives. It is possible to do the same with gunpowder.

By Mr. FRYE:

Q. What would be the size and weight and general character of that mine?—A. I am at a disadvantage in answering that question, because I have not seen the wreck and have not read fully the testimony, but there are cases on record where ships—not as strong as the *Maine*, but metal ships—have been destroyed by the explosion of torpedoes alongside and not in contact, and varying in size from 250 to 300 pounds. In the Chilean war two ships were sunk by an explosion in this manner.

By Mr. GRAY:

Q. Were they in contact?—A. No, sir; not in contact, but a couple of feet at the side and at the surface. They did not have the advantage of the tamping of the water. Of course, the destruction is caused by the release of an immense volume of highly heated gas that escapes to the atmosphere through the path of least resistance. Water being incompressible, and if it is under the ship the path of least resistance is through the ship, and everything must give way to it. It is rather difficult to estimate the amount of explosive, but I would say 300 pounds of modern explosive, in my opinion, would do all the damage that was done to the *Maine*, and very possibly a less amount.

By Mr. MORGAN:

Q. Do you mean dynamite or gun cotton?—A. Yes, sir; they are included as modern explosives. I notice—I think the opinion was

given by Commander Converse, who is a very excellent expert, and who has had almost all his duty on shore in connection with torpedoes—either he or someone else stated they thought the work was done by a slower burning explosive, and I take it to mean—I understand that he meant gunpowder. Gunpowder has a slower action; it is simply combustion as wood burns, while modern explosives, by their fuse, are turned instantly from a solid to an immense volume of highly heated gas, called detonation. The effect of detonation is to rend everything in the immediate neighborhood. Even tamping is sufficient for that, but gunpowder is slower acting.

By Mr. MILLS:

Q. How would it be ignited?—A. By electricity.

Q. Either on shore or on some other vessel?—A. Yes, sir; it is very simple to do that; it is well understood.

By Mr. GRAY:

Q. Do you think it possible for a mine to have been placed there after the ship was anchored with the discipline probably on board?—A. Oh, yes; I think it was possible.

Q. How?—A. There are various ways. One, for instance: It could be attached to a line run forward the ship, ahead of it so far it could not be seen, to some point beyond, and then taken back. For instance, here is the bow of the ship [indicating]. Start from a point here. There is the shore line, and suppose we carry a line to that point, run it across, and come down here. As you haul in the slack you would have a line taking that direction. If you knew the distance of the ship from the shore you would know exactly when the torpedo was under the bows of the ship, and you would haul on the line until you reached the proper mark, and the torpedo would be here. [Indicating under the forward part of the ship.] I do not think it would be possible to prevent it.

By Mr. DAVIS:

Q. How would you anchor it, then?—A. Either haul the line taut or allow the torpedo to sink by its own weight.

Q. Can you haul an electric wire so?—A. Yes, sir; they offer very little resistance; it could be very small, not larger than my pencil.

By Mr. CULLOM:

Q. Was that in the mud?—A. It is not known. In all probability it was resting on the bottom, and in my opinion it was placed there before the vessel was sent there.

Q. When that was placed there, why, no matter how, or when, how was it to be exploded?—A. How could it have been exploded?

Q. How must it have been exploded?—A. It was possible to explode it by a trigger line and something somewhat similar to what is known as a friction fuse. The first ship destroyed during the war of the rebellion was destroyed by a torpedo of that kind. It was at Cairo, and was commanded by Captain, at present Commodore, Selfridge. That was by a trigger concealed in a rifle pit, and the operator judged by the eye when the vessel was over it, and simply pulled the trigger as you would the lock of a gun. The use of explosives for so many purposes—blasting, mining, everything—is so common that probably anyone who designed to do that work would resort to it. I think it is improbable anything else was used.

Q. Could that have been used without the knowledge of any of the officials at Havana?—A. Possibly, but not probably.

Q. You have read the descriptions of the vessel given by the divers: did it leave in your mind any doubt as to its destruction having been caused by a mine?—A. No; I think I have no doubt on that subject: I think it was done by a mine.

By Mr. MORGAN:

Q. In the case of a torpedo that works automatically, or by a torpedo localized by itself, would the explosion take place by the impact of the ship?—A. Yes, sir; electricity is not used in these movable, automatic torpedoes. Fulminate is used, and the explosion caused by the impact of a plunger which is driven back into the case of fulminate.

Q. So that when the vessel struck it—A. No; this torpedo I am describing progresses until it strikes something and then this plunger is driven back.

Q. Are mines ever used of this kind?—A. Yes; contact mines; they are both mechanical. I mean the operation of exploding it is not connected with the of operation of electricity. They are electro-mechanical where both forces are brought in play, applying to torpedoes which must be tipped over by the object striking it. The electric torpedo or mine is one where the operator must close the circuit by a key.

Q. I notice in the examination by the judge advocate that questions were asked of the witnesses, particularly the officers aboard the ship, as to whether she had the same bearing or heading at the moment of explosion as she had been accustomed to having at the same hour of the day on preceding days, and they said there was a difference?—A. This question was asked because if the torpedo had been placed at a certain point—the ship was riding to a buoy—in order that the torpedo should do the utmost damage, it would be necessary for the ship to be over it, and as she swung about it was possible to explode it without doing much damage, but if a time was selected when she swung exactly over it, it would destroy her. Of course, a very little distance makes a great difference in the amount of damage done. The radius of effective damage is not very large, not nearly so large as the radius a ship would describe in swinging around a buoy.

By Mr. DAVIS:

Q. Was it moored by the stem or stern?—A. Stem.

Q. Did she swing with the wind and tide?—A. Yes, sir.

Q. What would be the arc?—A. That would depend on the chain. They probably had a small amount of chain out. If she was riding to an anchor, of course the arc would be quite large.

Q. Taking into account that she was riding to a buoy, and that this accident happened a hundred feet from the stem, what would be the arc of swing?—A. She might have had out 12 to 18 feet of chain, and if the torpedo was a hundred feet from the buoy, and she swung 180 degrees from that point, her bow would then be 112 to 113 feet from the torpedo.

Q. Where would this hundred feet point be—how much play had that point of 100 feet on an arc—A. Your question, I think, placed the torpedo, supposing there was one for the sake of the argument, 100 feet from the buoy, and if she headed a certain direction she would be directly over it. If she headed 180 degrees away, the distance would be 100 feet plus the length of the chain, which would be about 112 to 118 feet.

By Mr. GRAY:

Q. Feet or fathoms?—A. Feet. You would have just enough chain out to swing clear of the buoy. Is that plain?

Q. Here is the ship. [Indicating.] Here is the buoy. Here is the point of 100 feet where we suppose the torpedo to be. This ship swings how far? Can she swing from one side to another over the torpedo?—

A. It would be the distance from the buoy plus the length of the chain, which would be 112 to 118 feet.

Q. That would be the amount of the swing?—A. Yes, sir.

By Mr. FORAKER:

Q. She swings that way?—A. In any way.

By Mr. MILLS:

Q. In your study of this question, have you ever known of private individuals putting torpedoes in harbors to destroy ships?—A. I never heard of it.

Q. It costs a great deal of money?—A. Yes, sir; and it can not be carried on without attracting attention.

By Mr. MORGAN:

Q. What would be the weight of a torpedo to work the amount of damage done on this ship?—A. That can not be answered definitely. It is usual for ground mines, those placed on the bottom, to use very heavy cases, so that the case may serve as an anchor. They are frequently made of cast iron, very thick walls. Buoyant mines, placed where the water is very deep, to bring them to near the bottom of the ship, are made of comparatively light material, such as steel plate. So there is an opportunity for very wide speculation as regards weight. I have given you the amount of explosive, and the case would, roughly estimated, probably weigh 500 pounds.

By Mr. CULLOM:

Q. What would be probably the length of a submarine mine with 300 pounds of explosive material in it?—A. They are very frequently made the shape of a sphere. Those placed on the bottom are commonly flat, while the buoyant are spherical.

Q. One man could not handle it?—A. No, sir; only with derrick and tackles.

By Mr. DAVIS:

Q. What do I understand you to say might be the total weight of this, case and all?—A. Five hundred to a thousand pounds.

Q. Could that kind of a contrivance be drawn under that ship by a line as you described?—A. No, sir; I was describing the ordinary mines used for service. You can put dynamite or gun cotton in a rubber bag with air space enough to float it.

Q. How large are the conducting wires by which these explosions are made?—A. That is very variable. Cables laid down prepared for use with permanent systems are armored.

Q. Insulated?—A. Not only insulated, but armored like a submarine cable in order to resist abrasion, etc. Yet, for ordinary use you can use a small wire like my pencil.

Q. Do those contrivances generally have either one or two wires?—A. Either. In salt water you can use either a reel service or two wires without the reel service.

By Mr. LODGE:

Q. Would the ordinary torpedo be sufficiently powerful to produce the result produced in the *Maine*?—A. In my opinion it would not. I so stated immediately after the report of the damage done to the *Maine*.



By Mr. DAVIS:

Q. Why do you think the torpedo was sunk before the arrival of the *Maine*?—A. Because of the difficulty of placing it without detection—without its being known—after the arrival of the *Maine*.

By Mr. GRAY:

Q. That was the purport of my question, as to how that could be done with proper discipline?—A. You can tell how difficult it is to detect work going on at night, and you know something about the intelligence of men who do sentry duty in army and navy. You probably know many instances where sentries and lookouts, particularly in the Army and in important places, have been surprised and overcome in hand-to-hand conflict. I do not think myself that any such thing as that occurred. I believe the torpedo was placed there before the *Maine* went there, but there is a possibility of it.

Q. Even with good discipline?—A. There was no question the ship had good discipline.

By Mr. DAVIS:

Q. Considering the swing of the vessel, must it not have been a matter of very nice calculation when to spring that mine?—A. Yes, sir. Not in the sense of nicety of practice in adjusting instruments, not such a degree of nicety. It was a comparatively easy job to judge by the eye.

Q. Would it have to be done by bearings?—A. No, sir.

Q. How would you do it?—A. Because the shore was so near—only 500 or 600 yards off. Besides, anyone doing that work had the buoy as a guide, and if he knew the distance of the torpedo from the buoy, and knew the ship, when headed in a certain direction would be over the mine, it would be not difficult.

By Mr. GRAY:

Q. That observation would be very difficult at night?—A. I do not think it would, because you would only have to see what direction the ship was heading, and it is not difficult to do that. If you know that when a ship heads or tails in a certain direction she must be over a torpedo, there is only to know what direction she is heading.

Q. The lights would indicate that?—A. Certainly.

By Mr. LODGE:

Q. Was there not opportunity to determine the exact hour on previous nights when it would be over the torpedo?—A. The winds at Havana are generally north to east; those are the prevailing winds. The currents are small. I have read, though I do not know that it is true, that the ship had never headed before in the direction she did at the time of the explosion.

By Mr. FORAKER:

Q. A submarine mine is only a torpedo?—A. Yes, sir, under another name.

Q. As I have understood, while you have described the way it could be put under the ship, yet in your judgment it would be very difficult to do that without it being discovered?—A. Yes, sir.

By Mr. CULLOM:

Q. I have heard it said that boats were running in and out that harbor almost within shaking hands distance from the battle ship, and that, on a night for instance, a boat could go in there and slip something under

it without the call of the sentry?—A. Perhaps I have not made myself clear in one respect. I discussed and described regular submarine mines for harbor defense. I think I also mentioned that modern explosives do not require a strong envelope or inclosure to be effective—

By Mr. MORGAN:

Q. You also said that dynamite or modern explosives might be conveyed in a rubber bag?—A. Yes, sir, and I want to enlarge on that now. It does not follow of necessity that that damage could not be done in any other way than by the use of a submarine mine. That explosion which destroyed two Chilean ships, there the explosive was placed loosely in a boat with a false bottom, and did so much damage that both ships sunk almost immediately, one while the boat was being hoisted and the other while the boat was being cleared of some tempting provisions on the false deck.

By Mr. FEYE:

Q. In the one case you deal with probabilities and in the other with possibilities?—A. Yes, sir.

By Mr. FORAKER:

Q. Your belief is that it was destroyed by a mine under the vessel?—A. Yes, sir.

Q. And exploded from the shore?—A. Yes, sir.

By Mr. MILLS:

Q. How far was the ship from the shore?—A. I have seen it stated that it was about 500 yards, but that is susceptible of exact determination. I think the buoy she was using, No. 4, is given on the charts.

By Mr. FORAKER:

Q. Do you know of any regulations of Havana for the use or sale of explosives?—A. I do not.

Q. These are not ordinarily found in stores or toy shops for sale?—A. By no means; particularly in a place like Havana to-day, where fighting is going on more or less all the time in the neighborhood.

By Mr. MILLS:

Q. You think that mine could not be placed there without the consent of the authorities?—A. I do—I will change that; I do not think it was probable.

By Mr. FORAKER:

Q. The probability is that it was put there by Government authority, and known to be there by the Government officials?—A. Yes, sir.

By Mr. LODGE:

Q. If that flotilla of torpedo destroyers and torpedo boats now on its way from the Canaries could be brought to Havana and placed in the harbor, would it not then become formidable and an increased danger in the naval situation to us?—A. An increased danger?

Q. Yes, sir.—A. Yes, sir; I think it would.

By Mr. DAVIS:

Q. I ask the same question as to Puerto Rico?—A. In a less degree. They would be formidable anywhere in the case of war and operations of a campaign were conducted against both islands at the same time, and that would be advisable, in order to deprive the Spaniards of a base. To attack Cuba and leave Puerto Rico would simply leave them a base to work from.

By Mr. FORAKER:

Q. I suppose, in a harbor like Havana, when mined at all there is more than one such mine, as a rule?—A. Oh, yes.

Q. And the electric wires are taken to the shore to the same place as a rule?—A. As a rule, in harbor defense the cables are laid to a gallery under water connected with a fort or some secret place. This gallery is always kept secret as far as possible, never given out. For instance, our own forts, fitted with cables and galleries, the precise location is always kept secret. I know our forts are planted and have these galleries, but I do not know where they are; that is very confidential.

Q. Confided only to Government officials—army or navy?—A. Army exclusively.

By Mr. FRYE:

Q. Why should not those cables leading to the torpedoes have been destroyed after the explosion?—A. It was a very simple matter to haul them in.

Q. They are made to haul in?—A. Certainly. Not necessarily, but that could be done. After the torpedo is exploded the wires have done their work.

By Mr. TUBPIE:

Q. Hauled in by machinery, and payed out?—A. Not torpedoes; cables.

By Mr. FORAKER:

Q. Do you think the ship could have been blown up by dynamite carried in a rubber bag, or anything of that kind?—A. I think the probability is against it.

Q. If carried in that way there would have been somebody about there?—A. Yes, sir; in that vicinity.

Q. It would have to be done in a small boat, and fired at the time used?—A. It has just occurred to me that one theory might be advanced that I have not explained. I spoke of a buoyant mine which is attached to a cable and also to an anchor. Suppose this box to represent the mine, and my pencil a cable attached to an anchor, that is made to explode automatically, so that when a ship, say, swings against it and inclines it a certain amount—a favorite mechanical arrangement is to have a ball inside which rolls down an inclined plane and completes the circuit.

This arrangement can be made harmless by disconnecting the battery on shore, and the ship may bump and it will not be exploded, because there is no electric current—it has been switched off on shore. When it is desired these mines shall watch, as it is termed, the current is then put on on shore, and they will not then be exploded until struck by some object, and in this instance heeled over. It is not impossible that the *Maine* might have been destroyed by a mine of that description.

By Mr. DAVIS:

Q. What is the weight of 1,500 feet of this conducting wire, should you think?—A. I can not give you an estimate on that. In the first place, as I stated, the wire varies so very much.

Q. The smallest kind you know? What does a foot of that kind of wire weigh?—A. Wire that could do the work might, that length, weigh perhaps only ten or fifteen pounds; you could carry the coil on your arm, and it might run up to ten or fifteen hundred pounds. I

would not want to go on record as giving an estimate for that—it is capable of such a wide range.

By Mr. MILLS:

Q. What would be our method of protecting our fleet if we wanted to blockade Havana—shoot at it at a distance—the torpedo boats, destroy them?—A. We suppose the flotilla to be in Havana and our ships outside endeavoring to blockade, and they came out to attack.

Q. Yes, or we wanted to prevent them from attacking their way—what is our plan of attack to prevent them or destroy them?—A. I do not know that we have any plan, but if we approached near enough the port to bombard it, of course the ships would be subject to bombardment. The most efficacious, and at the same time the most hazardous way, would be to send vessels in to ram them—light draft vessels that probably would not strike any obstruction.

By Mr. FORAKER:

Q. Ram these torpedo boats?—A. Yes, sir, surprise them and ram them. Of course if they get near enough the ship they are subject to a very severe fire from the secondary batteries, small quick-firing guns, and onslaughts from the vidette boats—picket boats. We have no cases on record in experiment where, in the daytime, torpedo boats have succeeded in getting within striking distance of well-armed ships.

By Mr. DAVIS:

Q. Please explain the torpedo nettings.—A. Formerly many vessels—we never had any in our Navy—were supplied with nettings to catch these electromotive torpedoes, but they have been found so serious a detriment to the mobility of the vessels that they have been discarded. Now torpedoes also have a crescent-shaped knife for cutting, and their speed is so great and there is so much danger of the nets fouling the screws of the vessels and disabling them that they have been done away with.

By Mr. CULLOM:

Q. So that the fact that the nettings were not let down makes no case against the captain of the *Maine*?—A. The *Maine* had no nets; they never had any in our Navy.

By Mr. MILLS:

Q. How many torpedo boats have we?—A. We have six at Key West; three more ready to go in a few days down there; all small though.

By Mr. CULLOM:

Q. Are you familiar with this flotilla that is coming over?—A. Only in a general way. Of course I could get access to any information at any time. I believe the squadron that has started is composed of three destroyers and three torpedo boats, and a converted cruiser accompanying them. I do not know the name of the steamer.

Q. I understand that another squadron has started?—A. Yes; I saw that. I believe it is composed of the *Maria Theresa*, a sister boat to the *Vizcaya*; the *Colon*, and a torpedo destroyer named the *Destructor*.

By Mr. DAVIS:

Q. Where is the *Pelaya*?—A. At Ferrol.

By Mr. LODGE:

Q. Have they not three more armored ships in dock now?—A. I do not know. The latest information—

Q. I was told they were still in dock, and would be out between the 15th of April and the 1st of May.—A. I do not know.

By Mr. FORAKER:

Q. I saw a cable that the *Pelaya* had started for Toulon.—A. She has been opposite Toulon, and has been repaired there, at La Seyne.

Q. How do we compare with Spain as to first-class battle ships or first-class armored cruisers?—A. We have more battle ships; we have not quite as many armored cruisers.

By Mr. LODGE:

Q. Ours are heavier ships?—A. Yes, sir; the *Brooklyn* and *New York*—

Q. In battle ships we are much more powerful?—A. Very much.

Q. Should you not think it very important in case war was coming to dispose of that flotilla before it reached Havana?—A. It would be an important advantage. Much depends upon the proposed campaign—what we are going to do; whether it is to be strictly a naval war—whether we are to confine ourselves to marine operations, or whether we are to land troops on the islands of Cuba and Puerto Rico, and what the purpose of the Government is. That ought to be decided first, in my opinion, and then we could decide what to do.

By Mr. MILLS:

Q. Could we land troops with this flotilla at Havana?—A. I would not advocate it. Warfare can not be carried on now as it used to be, where a fleet could go in under the guns of a fort and land troops and bombard the fort and town and take possession. The lesson of the *Maine* proves that such forts must be taken by attack on shore, with such aid as the ships can give, and some place not mined must be selected to land. The object of the Navy now is to destroy what it can by bombardment and destroy ships. The capture of territory must be left to the Army.

By Mr. FORAKER:

Q. How are our ships supplied with ammunition?—A. Very well.

By Mr. MORGAN:

Q. How is the *Oregon*, compared with others?—A. She is the same caliber as others in our Navy.

Q. What would happen if she were ordered around from Callao? What length of time would she require to make the voyage?—A. I have not the distances at my finger ends—she is not due at Callao—

By Mr. LODGE:

Q. They call it sixty days from San Francisco?—A. That is a better statement than I can make without working out the distance.

You all understand the geographical situation of these islands. In the west the islands of Key West and Dry Tortugas, where we hope to keep coal enough, are only 90 miles from Havana, and ships operating around the west end of Cuba can coal there, but it is about 600 miles to the east end of Cuba, Cape Maysi on the Windward Channel, and on that route the navigation is difficult and the navigable waters are narrow and confined. The coast of Cuba presents many advantages for small vessels to dodge out from the shore and do a good deal of harm to passing ships. So, it would be dangerous to pass to and fro in order to get coal at Key West, and, also, it is too far to go, it takes too much time to go and come. If you are on the south coast of Cuba the distance is about 900 miles.

It is very important to have a coaling station at the east end of Cuba, and right across the Windward Channel is the very excellent harbor of St. Nicholas Mole, which belongs to Haiti. We used that as a coaling station in the war of the rebellion, and it did not then require any very urgent defense. I have urged on the Secretary, and I believe it has been communicated to the President, that that port be hired or leased, or obtained in some way, as a coaling station.

And also, as I should certainly recommend if operations were conducted at the same time about Puerto Rico, which is still farther to the eastward some considerable distance, it would be necessary to have a coaling station near by, and I would recommend St. Thomas, a very good port and capable of defense, good anchorage there, smooth water, and I understand that the islands of the Danish West Indies can be purchased for a few millions, probably five or under, I have on good authority, and I should think the purchase of those islands would be cheap at five millions, simply to get the islands, as you would buy a cruiser or anything else.

Q. Do you not think we ought to have those Danish islands anyway?—A. Yes, sir. If we are going to go ahead ourselves in the West Indies, we must have coaling stations there.

Q. For our own protection?—A. Yes, sir.

In response to a letter addressed to him by Senator Frye, asking for his opinion as to the tenability of the statement made in the report of the Spanish board of inquiry on the destruction of the *Maine*, that one of the grounds for considering the explosion to have occurred on the inside of the vessel, was that no dead fish were found on the following morning, the following letter from Commander Bradford was received by Senator Frye:

WASHINGTON, D. C., March 31, 1898.

MY DEAR SENATOR: In reference to your note concerning dead fish about the *Maine*, I beg to state that they always disappear very soon after an explosion. Many of the fish that appear to be dead after a submarine explosion are only stunned, and after a time recover and disappear. I have noticed this a great many times during experiments at Newport. The explosion of the *Maine* occurred at 9.40 p. m.; I consider that there was ample time for the fish to have disappeared before daylight. I have seen it stated in newspapers that there are very few fish in Havana Harbor on account of its being very foul. I do not personally know this to be a fact, but I do know that the harbor is very foul.

The men at Newport who frequently gathered in the fish after a torpedo explosion so well understood the fact that they must be quick that they were always ready in their boats with their nets, and were the first on the ground in order to scoop up the fish. On one occasion I saw a sturgeon weighing at least 100 pounds apparently dead after a torpedo explosion, and men went alongside to gather him in, when he suddenly righted, disappeared, and was never seen afterwards.

Yours, very truly,

R. B. BRADFORD.

**STATEMENT OF CAPT. CHARLES DWIGHT SIGSBEE, U. S. N., March 31, 1898.**

Capt. CHARLES DWIGHT SIGSBEE sworn by the chairman.

Examination by Senator FRYE:

Q. What is your full name and profession?—A. Charles Dwight Sigsbee, captain, United States Navy, late commanding the United States steamer *Maine*. I transferred the command at Havana. I held it until I left; the flag was still flying.

Q. What, in your opinion, caused the explosion which destroyed the *Maine*?—A. It is, of course, merely matter of opinion. My opinion is that a mine destroyed the *Maine*, either permanent or temporary.

Q. Please describe what you mean by a mine?—A. I mean a large vessel or receptacle filled with explosive matter and submerged at a low depth, so that a vessel can swing over or against it.

Q. How large a mine—of course I am not asking for exact figures—how large and heavy a mine in your opinion would be required to have the effect which was had upon your ship?—A. The effect on the ship is not known with sufficient accuracy to permit me to state, and, moreover, I think that question is one for an expert, what we would consider in the Navy an expert in matters of that kind.

It would, however, undoubtedly take a very large one, but in my opinion no larger than could be planted near the vessel at any time in broad daylight and under direct vision with the means available in Havana for that purpose. This assumes that about 12 men, having mutual confidence and preserving secrecy, would be necessary to plant such a mine.

Q. And that could be done while your ship was preserving the ordinary discipline and watchfulness of a ship in the harbor of an enemy?—A. Absolutely, in my opinion. I could dilate a little on that if you would like to have it. That [indicating] represents a ship lying at a buoy, that being the buoy. That ship will swing around there.

If a mine is planted anywhere in that area, she will swing over that mine in time, it is obvious. Let a vessel come to Havana. She proceeds here and drops a mine there. In time the vessel will swing over it. It could not immediately produce the destruction of the vessel, but in time that vessel will swing over that buoy, and at that time it could be exploded. Let that be a scow with a between decks. There there is a tube coming above the water line; there is another. There is the water line. Outside this is a section. There is a bar with two trips on it working with a crank fastened on standards; slings are down there, and a mine can be slung there right under the boat, the slings passing up through two tubes there.

From here the wires pass through another tube and are fastened to a reel. That mine can be weighted so the specific gravity is very little more than water. Tugs and lighters are passing and repassing constantly, and all that such a vessel—a lighter, say—has to do is to drop that buoy. It is entirely submerged and makes no wave, has very little specific gravity more than water, hence very little pull on the boat. Now, they have a number of hoys in Havana with derricks on the deck, very slow and very noisy, and they are passing and repassing all the time until late in the evening. A vessel of that kind can go past there every day, and she can go to a wharf or anchor in the stream, and when you swing over that buoy that vessel can strike the wires and sink you, and she can cut the wires and steam away, or she can drop the wires wherever she pleases.

There was a lot of idle army officers there; I do not charge them with anything, but speak of the possibilities of the case. In this case I have spoken of more than need be. I showed a similar sketch to Captain Sampson, who has also commanded a torpedo station, and is besides an ordnance officer, and I asked, pointing to a vessel, "Could that vessel drop that instantly?" and they said undoubtedly she could, it could be done. I then said, "Can I make report to the Navy Department; will you permit me to say this could be done undoubtedly?" The only

qualification was that it would take about twelve men to do it. That is the real reason I asked to have the *Montgomery* taken away. If they were going to do anything to blow us up I wanted to have it done with a smaller vessel. They had no vigilance whatever and no guard over us or our vessels. Their vigilance was great wherever their own vessels were concerned.

By Mr. GRAY:

Q. No vigilance as regards you?—A. No; once or twice they played a searchlight on us, but the boats were coming and going all the time, and we would hail them, and they must have heard our hail, but they would refuse to answer the first time and commonly the second time, and then they would finally answer in a rather impudent manner when they did answer. It was a very peculiar thing; they seemed to have no experience of other nations' vessels.

By Mr. FRYE:

Q. Suppose that had happened as you suggest. I am only asking your opinion. In your opinion could that be done without the knowledge of any Spanish official?—A. I think it is possible it could have been done without the knowledge of the high officials—the higher officials.

By Mr. MORGAN:

Q. How would they get hold of the torpedo?—A. I assume they could make that out of a section of old hogshead, or even a wine pipe. For the short time it was to be down an immense wine pipe, or even two of them, might have been taken, and stealing up to a boat it could have been taken from one boat to another and then dropped in shallow water.

Q. What, in your judgment, was the probability?—A. I am not certain in my mind whether to attribute it to a temporary mine like that or a permanent one. It is a curious fact that the officers of the deck say we never swung in that particular direction before. The *Maine* is lying now in about the position she would have taken to play on the Spanish batteries—the Morro and Cabanas. That is to say, if the *Maine* had taken a notion to play on the batteries, she would be in that position. Now, I give this merely as a fact; I do not draw any special inference. Here is the mooring point; here is the Spanish admiral's house. The *Maine* was swinging about in that direction.

Now, if a mine had been planted there, where the *Maine* could play on the batteries, I assume it would have been planted in just that place where the *Maine* was blown up. If only one had been planted, it would have been just there. If a mine were planted in range from that residence to the buoy, of course, when the *Maine* swung to that buoy, it would show the mine was under the ship's keel. It was my business to note all these things, but, as for connecting it absolutely with the blowing up of the ship, I can not do any further than I have stated.

Q. If that ship had swung into position to fire on the castle and a torpedo had been placed, or mine placed, under water so as to blow the ship up in case she did fire, then it would have been placed exactly where you were blown up?—A. I would have placed it there.

Q. That suggests the possibility of its having been placed there before you were located there?—A. It does.

Q. Has it not occurred to you that very likely it was done so?—A. I think if we had owned the port and had suspected a possible aggressive spirit, I think we would have done the same thing.



Q. You would have put it right there?—A. If we only had one mine I should have put it right there.

Q. If that mine had been placed so, how would it have been exploded?—A. I infer they never would have put a contact mine there that would have been exploded by contact with the bottom of the vessel, because other vessels were coming and going all the time, but an electric mine, having wires leading ashore or elsewhere.

By Mr. CULLOM:

Q. To have the explosion at a time when they could have control of it?—A. Yes; the time and opportunity to control it.

By Mr. FRYE:

Q. If that was the condition, who would be likely to have charge of the electric battery which exploded the mine?—A. I am unable to say that; I infer the Navy.

Q. An official?—A. I have a certain reason for believing this, which perhaps it would be injudicious to disclose.

By Mr. MORGAN:

Q. Taking the lights on the ship, which had not been extinguished at the time of the explosion, I understand they would furnish the observer on the shore the position of the ship. Would such an observer be able at night to ascertain that that ship was at that moment in such bearing as she could fire on the batteries?—A. We have a forward and after light showing, and even without a light he could have seen it by the smokestacks, which are large.

By Mr. DAVIS:

Q. Could have seen at night?—A. Yes, sir.

By Mr. FRYE:

Q. No difficulty in determining whether it was over a submarine mine?—A. No, sir; if there was one there. I have no knowledge whatever that the Spanish authorities blew the ship up; I am merely giving the possibilities of the case.

Q. The Spaniards, in their report of the destruction of the *Maine*, make a very strong point of the fact that no dead fish were found the next day. What is your judgment about that proposition?—A. The ship was blown up at 9.40 p. m., and even though there were dead fish, no one knows where they might have gone the next morning. In the next place, I fancy, if any dead fish were available, the reconcentrados would be glad to get them. Again, they say the fish leave the harbor and go to sea at night. I have seen an occasional fish jump in the daytime, but the water is very foul and nasty, and I fancy it is a bad water for fish.

By Mr. MORGAN:

Q. The walls amidships on both sides, to nearly amidships, were broken down?—A. Especially so; very much disintegrated. It is all gone on the port side.

Q. So that if that was done by an internal explosion the force of the explosion would have gone out through the water?—A. That is a question, if there was an internal explosion.

Q. If there was, the force of that explosion must have gone through the water?—A. Yes, sir.

Q. Why would not that have killed the fish?—A. I think it would. Perhaps not so much, but I think it would have killed them. We

regarded that excuse as rather peculiarly Spanish and all that about the wave, etc. They were groping for results and reasons.

By Mr. FBYE:

Q. I suppose there had been an outward tide from the time they were hunting for the fish until the morning.

By Mr. GRAY:

Q. Is there much tide?—A. Very little tidal flow. There is an ebb and flow, of course. If there were permanent wires ashore to the points established by the Government, it is conceivable that somebody may have dragged for those wires at some intermediate point between the station and mine, and having them, may have blown the ship up, or they may have gotten control of the switchboard on shore. They did not like us; that was very plain.

Q. What examination did those Spanish boards make of the accident?—A. They had not done anything for a week; had not been down at all. Our people laughed at them. Our people kept going down steadily, and they a little at a time, and there sat a correspondent of a great American journal in their boat, humbugging them all the time, passing out cigars to them and making fun of them, and they did not know him. They thought he was a great American engineer who did not care much for Americans. When the boatswain came to them with the other boat he transferred to that, and they did not know him. They did very little work on the wreck. It was absurd as compared with our work.

Q. Did you make the examination as thorough as possible?—A. The examination was made very much under the wishes of the board of inquiry; whatever they wanted they got. We had over the divers all the time commissioned officers. They had part of the time, not all the time, a boatswain. The greatest point on our side was that we had Ensign Powelson. He went to Glasgow to study naval architecture for a year; then he preferred to be a line officer. Of course, the ship was very much disrupted. Whenever any diver would come out Mr. Powelson would take him and have him give, in the first place, exact measurements for the length and breadth and thickness.

He would take his statement, draw a diagram of what he had seen, take it to the detailed diagrams of the ship, and reduce it to a certainty. He would know that a certain beam, forward of a certain place would be, for instance, 3 feet, and abaft it would be 4 feet, and it would be a certain distance from one of the longitudinals, and so on, until he had proved conclusively this was that plate or beam and no other. When the military and naval men come to look at our report and compare it with their report, with the fish story and all that sort of thing, I think a military smile will go around the world.

By Mr. FORAKER:

Q. Was the ship in the habit of swinging all the way around that circle, around that buoy?—A. The trade wind—the prevailing wind—is east, and as the sun comes up it blows stiffer and varies less, but during the time we were there it was not so steady in direction, but we commonly tailed to the east with the stern to the Admiral's house.

By Mr. CULLOM:

Q. That night did your boat swing to the location of the house?—A. She swung away from the Admiral's house that night.

By Mr. FRYE:

Q. Was that the first time that vessel swung that way?—A. Some of the officers said that. I did not notice it. I have not seen the *Fen* swing once in the direction the *Maine* swung.

Q. The report of the officers was to that effect?—A. I think the court reports to that effect.

By Mr. MORGAN:

Q. What point of the compass is that ship now?—A. Her bow is twisted to a right angle and shot down in the mud. The general direction is to the northward and westward. The trade winds are to the eastward.

By Mr. MILLS:

Q. Are they in the habit of docking vessels at the same place as the *Maine*?—A. It was riding to a buoy. When a man-of-war comes in, she makes fast to one of these buoys and swings to a pivot. Captain Stephens, of the *City of Washington*, that night or the next day said in all his experience he never knew a vessel to be buoyed in just that place, and I think some others said that.

By Mr. FORAKER:

Q. Do you know what other ships preceded you?—A. The captain of the *City of Washington* said he never saw any vessel moored there before. It was almost in the same position as one of the regular plotted buoys, No. 4, and there was nothing to make anyone suspicious.

Q. Were there any torpedo boats in port while you were there?—A. All the Spanish vessels carry torpedo tubes. The vessel blew up on the port side, and the starboard side was to the Spanish vessel.

Q. I saw a statement in a paper that a Spanish vessel was the last one before you anchored at that buoy?—A. The *La Gasca* came out and anchored the day before or the second day before we went in. She has torpedo tubes. I was informed several days after the explosion by a Cuban who said his father was an American citizen that the *La Gasca* was General Weyler's dispatch boat, the one used by him in any tour about the waters of the island. The captain of that vessel never called on me. I do not know why. Perhaps he thought his was too small a vessel. I permitted myself to suspect him, but I must say I never had anything in the nature of proof.

By Mr. MORGAN:

Q. Had you any intimation of danger?—A. Never, except one day when I was going to a bullfight I received a placard, handed to me in the street, and I took it and put it in my waistcoat pocket and went on to the bullfight.

Q. Was there any writing on it?—A. That was another, which was sent through the mails, and on the bottom was written, "Look out for your ship." These cards are sent by these people—General Lee gets them periodically. When someone complained of it, he asked if there was any date on it. He said the people generally fixed a date for his assassination.

Q. The placard was handed to you while you were going to a bullfight?—A. Yes, sir; and another was sent me through the mails.

By Mr. GRAY:

Q. Was it printed?—A. Yes, sir.

Q. What was printed on it?—A. A lot of stuff: Viva Weyler and viva Spain, and down with the United States of America, etc. Are

we going to submit to this vessel coming here from their rotten old fleet, etc.

By Mr. CULLOM:

Q. With these lines written?—A. That came through the mails. People handed them to me on the street. I could not help thinking some of the American colony got them up themselves for a joke.

By Mr. FRYE:

Q. Have you examined the testimony sent to Congress?—A. I heard a great deal of the testimony, but have not read it all, because I have not a copy. I know most of the important testimony. When I found things were going very, very carefully and scientifically in the court, I did not take the trouble to attend all the time. I preferred to be measured by the judgment of other people.

By Mr. TURPIE:

Q. Before they commenced the examination, did the Spanish Government make any offer of reward for the detection or discovery of persons concerned in the destruction of the *Maine*?—A. They decided at once, and so stated to me, that it was an accident, and must have been an accident. For a few minutes, say fifteen or twenty minutes, after the explosion, on the *City of Washington*, they were very anxious to know the cause, and I replied that I must await an investigation; it was perhaps all natural.

By Mr. FRYE:

Q. They insisted it was an accident?—A. The Spanish admiral said first it was the dynamo boiler. I said we have no dynamo. He then said it was the boilers, and then I said the aftermost boilers only were used, and the forward boilers had not been lighted for three months. As for the coal bunker alongside the 10-inch magazine, that was in use that day; we were using it. There was a full bunker on the port side next the 6-inch reserve magazine that had been filled for three months, the coal in particularly stable condition, bunkers inspected, and all right. It was the most exposed bunker in the ship with radiating surface, so that it is inconceivable that bunker should have been heated without being noticed.

By Mr. GRAY:

Q. There was a special examination made?—A. Yes, sir; and the magazine temperature is taken daily and recorded and sent to the Navy Department for every day in the month.

Q. Do you remember the temperature?—A. No, sir; for it would not come to me unless it were abnormal. To show you the kind of a man who took the temperature, made the inspection—he was a three-medal man. The gunner was under suspension for insubordination. The gunner's mate, who was a much better man and had three good-conduct medals—that meant that for three enlistments he had good-conduct medals. He had been two years under his present enlistment, and every mark under every heading was the maximum, and no punishments recorded against him.

By Mr. CULLOM:

Q. This suspended man had nothing to do with taking the temperature?—A. No, sir.

By Mr. GRAY:

Q. Did this man escape with his life?—A. No, sir; he was killed.

By Mr. FRYE:

Q. It takes, if I am correct, 600 degrees Fahrenheit to blow up powder.—A. It takes a very high temperature. We had the brown prismatic powder. I should rather trust the temperature to an expert. The forward magazine was normal; the after magazine, which is near a number of steam tanks and pipes, etc., was often above the normal, the temperature there often being 112, but that gave no concern, for that was well within the safety limit. It might be, on a hot day, 103 or 104, or even 112, and no concern felt.

Q. Do you think it would have been possible to reach that high degree of heat without discovering it?—A. It is inconceivable. All those compartments are electrically connected with annunciators outside my door. These annunciators are very sensitive, and often ring even when there is nothing there.

By Mr. MORGAN:

Q. In what part of the ship was Lieutenant Jenkins's body found?—A. The wardroom messroom. Just forward of that is a large compartment. On one side are the torpedo tubes. His body was found opposite that. The ship is very high there, higher than that brass railing. Everything was buoyant and everything rose to the top, and all the loose articles and rubbish was up there, and that shows why it was difficult to get down there to clear away by a single diver.

Q. I ask the question because it is stated he was found in one of the magazines.—A. No, sir; it was a particularly wide open, beautiful compartment. He was sitting at the mess table—

By Mr. CULLOM:

Q. When the explosion occurred?—A. Yes, sir. If he had been in the shell room—none of the shell rooms exploded. The after part was not torn or hurt. The plates were torn 10 or 12 feet above the amid-ship section. Forward of that all the damage occurred. Consequently no damage was attributable to anything aft, for there was no explosion there. The Spanish said the war heads exploded. They were all aft. There was but one thing to be taken under suspicion in the *Maine*. That was the mere fact that there was a bunker alongside a magazine; but there is not the slightest suspicion of that bunker besides its existence there.

By Mr. GRAY:

Q. That bunker had been examined that day?—A. Yes, sir; and I had my hands on it the day before. You had to go in a passage right around three sides of it, and it was the loafing place of the men, where they made their little ships and models and did their playing, so it would have roasted them out if there had been anything of that heat there.

By Mr. FORAKER:

Q. There was an annunciator at your door, anyhow?—A. Yes, sir.

By Mr. GRAY:

Q. Is the officer, commissioned or petty, who took the temperature of that bunker that day alive?—A. Yes, sir; he was examined.

By Mr. DAVIS:

Q. What time of the day was the examination made?—A. I do not remember the exact time.

Q. What was the custom?—A. Saturday afternoon was the usual

time. There was no rigid time to examine; one time was as good as another.

By Mr. FRYE:

Q. Did you have soft or anthracite coal?—A. Both kinds. We had soft coal which had been examined at Newport News, and which had been in the ship three months and was very stable. Commonly, we used all the coal from the forward bunkers first, because that brought the ship down in the head. At Key West they made us take in anthracite coal which had been there a long time and they wanted to get rid of it. We were quite as anxious, having got it aboard, to use it as they were, and I wanted to keep all my soft coal, as it was so stable, and that is the reason for retaining the coal in the forward bunkers.

By Mr. CULLOM:

Q. What was your special reason for using the anthracite coal?—A. It was old, and consequently we could not use it to the best advantage. And the soft coal is better for steam purposes. Besides, the anthracite had been lying in the air for a long time.

By Mr. GRAY:

Q. Have you ever made any examinations as to spontaneous combustion?—A. No, sir; but the English have gone into it with a great deal of particularity. Their tests, I believe, show that the gas works along through the layers of coal and through the coal dust, and works along until it strikes a draft of air, which fed it and ignited it, and in their experiments they found in that way, from a great number of cases, what to expect of it. Captain Wainwright, of the *Maine*, and formerly head of the office, said he never knew of spontaneous combustion without heat in the first instance.

By Mr. CLARK:

Q. Do you treat coal with water or anything of that kind when not using it?—A. No, sir.

By Mr. FORAKER:

Q. State briefly the effect of the explosion upon the keel plates.—A. The keel plate was driven upward decidedly in one respect. That is given so clearly in the report that I regret to go into it. I left that to the court. It was suggested to me to make the drawing, and I declined because I did not wish to be in it any way.

Q. Can you indicate in those drawings the one showing its existence above the deck?—A. That is supposed to represent there the keel plate. It is thrown up like that, I think just a few feet below the water line of the vessel. I do not like to go too far in this myself, because I might misjudge something of what the court said. I believe that was one of the strongest reasons for the assumption that that thing could not have been caused by an internal explosion.

By Mr. DAVIS:

Q. How many feet was it blown up from its normal place?—A. About 30, I think, from where it would have rested in the mud in a normal condition.

By Mr. FORAKER:

Q. What is that drawing showing the vertical keel broken?—A. Take this and pile it up like that. This edge and that edge come together. That also shows the rise where it is blown up.

Q. Showing the force came from below?—A. I think that was the inference of the court, and would be of anybody.

Q. Is that the bottom of the ship?—A. Yes, sir; that is called the keel plate. Instead of having a keel outside it is inside and perfectly flat.

By Mr. CULLOM:

Q. Outside of what you have mentioned, were there any indications of a mine?—A. Not so far as I know, except indentations of the plate.

Q. A hole in the mud?—A. Yes, sir; there was that.

Q. No pieces of material in which that mine, if there was one, was incased?—A. Captain Converse says that would have been destroyed by the explosion.

By Mr. MORGAN:

Q. I saw a statement that some concrete or plaster had been thrown on the awnings or the upper deck of a steamer?—A. A large piece was thrown on the *City of Washington*, a large piece 2 or 3 feet in thickness. That might have come from the blower engines on the berth deck below the upper deck. That was screwed down in a bed of cement in the men's washroom.

Q. Was there any cement in the bottom of the ship?—A. Yes, sir; all through the bilging there was cement, but my recollection is it was not demoustrated—there was no evidence to show conclusively that cement came from the bottom of the ship.

Q. It might have come from either place?—A. Yes, sir. I only heard the chief engineer's statement, or rather the constructor, who thought that it came from the bottom of the ship.

By Mr. FRYE:

Q. There was a double bottom?—A. Yes, sir.

By Mr. LODGE:

Q. In the report there is a telegram addressed to Forsythe, Key West, etc.: "Many killed and wounded. Do not send war vessels if others available." Why, if I may ask, did you say that last?—A. In the first place, there was a great deal of excitement and I wanted to work along without men-of-war and to allay the excitement in the city; and in the next place, if there were any more mines I did not want any more war vessels blown up.

Up to that time I had strongly recommended that the *Indiana* be sent there, just to show them that the *Maine* was not the only vessel in the Navy or the most powerful. After that time I had no more confidence in the people. Treachery had been shown us, and there was no special care for us; they had not attempted to protect us as we did with the *Vizcaya* in New York.

By Mr. MORGAN:

Q. You spoke of the reconcentrados getting the fish, etc. Did you see any of that class of people in Havana?—A. Oh, yes, a great many. I was invited to go to see them, but in my position as naval officer I did not care to take part in any political affairs. I desired to have things as peaceful and friendly as possible. I received and entertained out of my own pocket I suppose three or four hundred people on board the ship, but I never accepted any invitations.

By Mr. FORAKER:

Q. Did you occupy this same position all the while you were in Havana?—A. Yes, sir.

Q. Who stationed you at this place?—A. When I came into Havana I struck well to the westward, so as to show myself well to the people. I hoisted the American ensign at the peak and the jack at the fore. That showed I was an American vessel and wanted to enter. They sent off a man—he was an official pilot—and I complimented him on his skill in entering, and I saw him at the office of the captain of the port, and I know he was the official pilot.

Q. Was there any position from which you could have shelled Havana or Moro Castle as advantageously as this?—A. We could have shelled the town from any position. That is the position from which we could have brought our batteries to bear on the castle; one broadside brought to bear on one, and the other broadside on the other.

By Mr. CLARK:

Q. The committee was yesterday trying to get information as to the rules, or laws, or regulations governing the keeping or disposal of high explosives in the city of Havana. Do you know anything of that?—A. Not strictly, except just before I left there was an arrest made, or rather dynamite was seized opposite General Lee's consular office—so the Spanish papers stated—seized by the authorities; but I fancy that thing must be regulated very carefully where there is an insurrection, and where the custom-house laws are so very strict. General Lee could give you an opinion immediately on that point, but I take it for granted nothing could get in without permission of the authorities.

By Mr. MORGAN:

Q. Some witnesses testified there was an explosion some time after, supposed to be fixed ammunition.—A. I did not notice the separate phenomena of explosion.

Q. I mean an explosion after the first.—A. I know there were various explosions. We had some rockets in the signal room, etc., and there were some shooting stars and signals, and the pilot house was directly above the center of the explosion.

Q. Was there any explosion from shells?—A. I have not heard of any instance where heavy shell exploded. A piece of shell—a piece of 6-inch shell was found on the *City of Washington*. I have not heard of any instance where 10-inch shell exploded in the air. In the pilot house, directly above the explosion, there were some 6-pounder and 1-pounder ammunition. That began to explode before we left the ship, and exploded until two o'clock that night.

Q. Why was that?—A. Because the ship was afire. It also continued after we left the ship.

Q. If any magazine had exploded, would not that have caused the explosion of the detached ammunition?—A. It ought to have done so. There is much ammunition there now.

Q. Unexploded?—A. Yes, sir; there was some ammunition in the handling room, in the loading room—10-inch shell. We can not find any of these shells were hurled anywhere; we have no information of that.

Q. Suppose the explosion had taken place in the magazine, everything in that magazine would have exploded?—A. I should think so.

Q. The force would have been confined, and the effect of the gases would have exploded everything?—A. Of course very curious things happen—

Q. It would have been very curious if that had not exploded?—A. Yes, sir.



By Mr. FORAKER:

Q. You have no doubt your ship was destroyed by an explosion from the outside?—A. I have none whatever—none from the first minute.

STATEMENT OF CAPT. ALBERT S. BARKER, U. S. N., March 31, 1898.

Capt. ALBERT S. BARKER, U. S. N., sworn by the chairman.

Examination by Senator FRYE:

Q. What is your name and profession?—A. Albert S. Barker, captain, United States Navy.

Q. Are you familiar with the testimony in the *Maine* case as disclosed?—A. I have not read it, except portions that I have seen in the newspapers.

Q. You have read all that has appeared in the papers?—A. I have read it, but not carefully.

Q. Have you formed any opinion as to what caused the explosion?—A. I think from the report of the board, if they state the truth, as I have no doubt they do, that there was a mine under the keel of the *Maine*.

Q. And a mine of great power or small?—A. Certainly of considerable power, and if it was a small mine it must have been placed in the very best position to produce the best results that flames from the mine might have communicated with the forward magazines to assist in the explosion.

Q. Have you formed an opinion as to whether or not that mine was placed there before the *Maine* was buoyed?—A. On no good evidence.

Q. Have you an opinion?—A. My own opinion is that Havana Harbor has been mined, but I have nothing to base it upon.

Q. You have an opinion that Havana has been mined?—A. Yes, sir.

Q. If the mine was located there before the *Maine* was attached to the buoy, from what source would it necessarily have been exploded?—A. Ordinarily, if the mines were put down by the Government, they would have been exploded by Government officials.

Q. It would have been exploded from the shore from an electric battery?—A. Presumably.

Q. Are such things in all these forts and fortifications in charge of officials?—A. So far as I know. In our own country they are.

Q. Are you an expert in explosives?—A. Well, I do not know that I would care to call myself an expert in explosives. I was the first one who ever fired dynamite in shells in this country.

Q. In your judgment, what kind of a mine would it be, if mine it was? How many men would it take to handle it, etc.?—A. It would be impossible to say. As Captain Sigsbee said, a mine could be towed out, as he explained, very easily. Again, if they were permanent mines, the chances are it would be a heavier mine, and would take a greater force to place it.

Q. Commander Bradford testified they would run to from 500 to 1,000 pounds to do such work as was done by this?—A. If the whole damage was caused by the mine, it certainly would.

Q. In your opinion, was that mine located there before the ship moored, or are the probabilities that it was dropped there, as Captain Sigsbee testified it might have been, by some of these vessels?—A. It

would be entirely guesswork, but I would suppose myself they would mine Havana Harbor.

Q. Have you any doubt they have mined it?—A. I have nothing to base an opinion upon except on general principles—what we would do ourselves.

Q. On general principles?—A. I suppose they would mine the place.

Q. Are you familiar with Havana Harbor?—A. I have been in there once only, twenty years ago.

Q. The Spanish naval inquiry, as one strong reason why an accident from the inside caused the explosion, declared there were no dead fish. What is your judgment about that?—A. I should not think that of much value. I agree perfectly with that letter you read from Captain Bradford. Only a few fish are killed in comparison with the number stunned, provided there are a number around, and those fish stunned very soon recover their wits and swim off.

Q. So you would not regard that as of any value?—A. No, sir.

Q. Have you read the findings of the Spanish naval board?—A. No, sir; have not seen them.

By Mr. GRAY:

Q. Do you consider any hypothesis to account for this catastrophe more reasonable than that it was caused by a mine that had been placed there in conformity to a general system of mining, or at least placed there before the arrival of the *Maine*, and exploded by an electric current as in such cases is usual, either officially or by some person in his enthusiasm who got control of the place where it was?—A. I can conceive of no cause other than that you mention more reasonable than that, particularly as it is stated in the testimony, as I understand it, that the war heads of our own torpedoes were not shipped. That was the only thing I ever had any fear about.

Q. What are those war heads?—A. They are of gun cotton, and are stowed down in the ship. When you prepare a torpedo, not for practice but for actual work, these war heads are taken up and secured on the forward part of the torpedo.

By Mr. MORGAN:

Q. The other part of the torpedo is harmless until the war head is on?—A. Yes, sir.

By Mr. FORAKER:

Q. The testimony shows they were not on?—A. Yes, sir.

By Mr. TURPIE:

Q. They are a sort of percussion cap?—A. Yes, sir.

By Mr. MORGAN:

Q. It is the explosive in the war head which causes the damage?—A. Yes, sir.

By Mr. MILLS:

Q. What are the elements of gun cotton?—A. It is the action of nitroglycerine on cotton, on the fiber.

By Mr. DAVIS:

Q. Does it dissolve the fiber, or merely soak it?—A. Dissolves it.

By Mr. FORAKER:

Q. I understand you to state, from all the circumstances, it is according to your best judgment that it was exploded by a mine planted there

before the *Maine* was anchored or buoyed there, and in the usual way such mines are operated, by an electric current, the battery for which was somewhere on the shore?—A. That is what I infer.

Q. That is your better judgment, gathered from all the circumstances?—A. Yes, sir.

By Mr. GRAY:

Q. That is the most reasonable hypothesis?—A. To my mind.

Q. Where are you stationed now?—A. At the Navy Department.

By Mr. MILLS:

Q. How were these torpedoes to be used on the *Maine*?—A. Fired from tubes.

Q. How far can you send them?—A. At the rate of 20 or 30 miles for 400 yards, and then 600 or 800 yards farther.

Q. And then if they do not hit anything they are lost?—A. Yes, sir; they lose their speed and fall into the sea.

Q. Are our war vessels fitted so?—A. Yes, sir; most of the larger vessels, the cruisers.

Q. In close quarters they are pretty dangerous?—A. Yes, sir; you do not want to get within 400 yards.

#### STATEMENT OF ADMIRAL JOHN IRWIN, U. S. N., April 2, 1898.

Admiral JOHN IRWIN, U. S. N., sworn by Senator Frye:

Examination by Senator FRYE:

Q. What is your full name and profession?—A. John Irwin; admiral, United States Navy.

Q. Have you had considerable experience with torpedoes?—A. I have.

Q. Have you at any time been in the harbor of Havana?—A. I am a pilot in the harbor of Havana. I have been there hundreds of times, I should say; was there a great deal while I was employed in assisting in laying the West India cable system, and before that I was there in the times of Fulton, in the old filibustering days, when those expeditions were fitting out for Nicaragua. During a period of four years, from 1867 to 1871, I never took on a pilot there. The ship I commanded was the only American war vessel allowed to go in, night or day, ad libitum. That was because we were in the cable business.

Q. Were you there during the last rebellion?—A. Three years of the last rebellion, from when it began in 1868 to 1871.

Q. With your ship?—A. Yes, sir; with two different ships.

Q. Were you attached to this same buoy to which the *Maine* was?—A. I was anchored at the buoy No. 4, off the Machina Navy-Yard, and from the description of the position assumed by the *Maine* shown me on the chart, and from the middle grounds on the shoals just beyond it, I take it that buoy was in the same position of my buoy.

Q. What was the disposition of the people on shore toward your ship at that time—the Spaniards?—A. Bitterly hostile at all times.

Q. Did they exhibit that hostility actively on shore at that time?—A. They exhibited it actively, constantly. Going in and out, when we would pass the slopes leading down from the Cabanas fortress and the Morro Castle, and the battery on the port hand coming out, the Span-

ish soldiers and volunteers at different times, sometimes the volunteers and at others the regulars were the sole garrison, would come down and use the most indecent gestures to us and curse us in Spanish, and taunt us in every conceivable way.

By Mr. MORGAN:

Q. That was during the former war?—A. In 1868, 1869, and 1870.

By Mr. FRYE:

Q. Did they fire at you any time on shore?—A. I was on shore on Christmas night, 1868, with Gen. William F. Smith, president of the cable company I was aiding; Sir Charles Bright, the great electrician, who had the contract for laying this cable, and Mr. John Nininger, the rich European banker, vice-president of the company. We had taken dinner at the cafe right opposite the opera house, and had left the cafe and adjourned to our rooms near the Machina on account of the unusually severe cold of that night, the thermometer going down to 50, something unknown in Havana.

On the night we left one of my officers who had been in the cafe reported to me the volunteers had fired two volleys, one into the lower part, the other into the billiard room above, at one of the tables of which Lieutenant (now Commander) Clover was playing billiards. A number of persons were killed and wounded, among others Mr. Charles Kohler; and I was told he was laughing, telling a funny yarn, and he was shot dead, his head falling in his plate. That cafe was the resort of Americans very largely, Havana being then a health and winter resort, and thousands of Americans going every winter. We could conceive of the animosity being intended for any other parties, as no other foreigners were ever insulted to our knowledge, and the impression conveyed was that these volleys were fired with the deliberate intention of assaulting Americans.

Q. Have you read the testimony taken with regard to the destruction of the *Maine*?—A. I have read all the expert testimony.

Q. You have read the testimony?—A. Yes; the testimony of the subordinates before the court I simply glanced at, but the expert testimony I studied very carefully.

Q. Have you formed an opinion?—A. I have a very positive opinion.

Q. What is it?—A. The destruction of the *Maine* was caused by the explosion of a submarine mine.

Q. What do you mean by "a submarine mine"?—A. Submarine mines are of two characters, mines being of various shapes, some of them mushrooms. One is a mine that is anchored, and to the anchor a buoy would be attached. They are attached mushroom shape; that is, the insulated wire attachment communicating with some safe magazine located within view of it, so that it could be exploded at the will of the operator by an electric instrument.

Q. Either on shore or on board a Spanish ship?—A. Yes, sir. If it had been originally laid to communicate with a magazine on shore, and then they had changed their minds, and wished to use it from a ship, say the *Alfonso*, it would be a very simple operation to detach the cable from the shore magazine and convey the end surreptitiously or any way to the *Alfonso* or any other ship. Anyone versed in handling, and knowing the ground, would have no difficulty. Or the cable might have been tapped from any ship and the splice made. It could have been made in the space of half an hour under cover of darkness without anyone having any knowledge of it except the parties implicated.

Q. If it appeared by the testimony that this ship had been swinging as ships always do at the buoy, and that, for the first time since her arrival, she had reached the position where she was blown up, what would be your judgment, that the torpedo was placed there in advance?—A. Decidedly so.

Q. Would it be difficult for people on shore at that time of night to know the exact location of that ship, and that she was over the mine?—A. None at all. The torpedo mines are planted at exactly known points, and those points determined by the most accurate triangulation. The operator whose duty it was to explode the mine would have to be an expert, have his map before him, and be able by his observations to locate the position of the ship within a few feet, or else the mine would be of no value, if it was simply guesswork.

I know that in the mapped-out preparation for the defense of our own harbors the positions of our own mines are determined by triangulation within two or three feet, and very possibly exactly determined. It is a very simple problem in surveying to do so.

Q. You having been in Havana in times of serious trouble, in the conditions existing in Havana now, in your judgment would it be possible for any private individuals to obtain the necessary combustible materials for this mine?—A. In my judgment it would be impossible. The military power is absolute; the people are held in a grip of iron; they have their military force, their police force, and everyone known to have been there—if a Cuban ventures outside his house he takes his life in his hand.

Q. Would not the surveillance be exceedingly careful when the fact was known that there must have been in Havana many Cubans who would have delighted to have blown up the Spanish ships?—A. Unquestionably so; there is no doubt about that. We know from various accounts received from Havana that, on a small scale, the Cubans have repeatedly exploded what are known as dynamite bombs in various locations around Havana, and are blowing up railway bridges and obstructing the Spaniards constantly, but that is a different matter from having access to the harbor and being able to plant a mine of that character.

Q. What experience have you had with torpedoes yourself?—A. Commencing the 13th of April, 1865, when the news was received in Mobile of General Lee's surrender, hostilities ceased, and it was necessary for our fleet to enter the harbor of Mobile itself, we being in the outer harbor below Dog River Bar. Rear-Admiral Thatcher placed me in command of a division and instructed me to remove all the torpedoes in Mobile Bay and to blow up the obstructions to Dog River Bar, and after that was done I piloted the fleet through, carried them in safety to Mobile. In doing that work I raised some 400 torpedoes at very great risks in shallow water. During the operations we lost altogether some seven vessels, and I became very familiar with those torpedoes.

At first we used to destroy them by boring auger holes through and sousing them with water, but afterwards, having found in the naval arsenal at Mobile a number of safety caps that screwed on the head and rendered them innocuous, I saved those torpedoes and used them in blowing up obstructions, using the electric fuse. We also procured from the same naval arsenal in Mobile a number of submarine mines that had been prepared for use, all of which I employed in blowing up the main obstruction. This obstruction was about 240 feet in length, 40 feet beam, and 24 feet deep, built of 24-inch timber, and filled in with brick and stone, all of which we blew up.

In conducting those operations I had abundant opportunity to observe the effect of submarine mines and torpedoes, and I had also closely observed the effect of these torpedoes on our vessels that were blown up. That work lasted some three or four weeks, and after that, having become interested in the subject and being a part of my profession, I have naturally been a close student ever since.

Q. I call your attention to what was testified to by the people on the *City of Washington*, that there were two explosions. What have you to say to that?—A. It struck me, and Admiral Matthews, who was our first officer in charge of the torpedo school at Newport, also, that it was somewhat strange that it was not generally known that the explosion of a torpedo or submarine mine is always a double explosion. There are two reports; the first report, I take it, from the earth shock or earth sound wave, if I may so describe it, which is followed by the blast, which makes the latter explosion on the gases reaching the open air, as of the powder coming from the muzzle of a gun.

When you are near any such explosion the difference in sound could hardly be measured by time, but it is palpable to the trained ear. It is about like the sound in firing a gun that strikes the ear of the officer firing, the sound of the explosion of the cap, followed almost instantaneously by the explosion from the muzzle. I give that as an illustration to show you how short a space there is, but that space is patent to the sensitive drum of the ear; you know it instinctively. Admiral Matthews, having been in charge of a torpedo school, said that was his experience lasting over a series of years.

Q. So, from a submarine mine, you would expect the report to be as in this case?—A. Precisely.

Q. Captain Sigsbee does not mention it?—A. I can readily understand that. Captain Sigsbee was in his cabin writing home. This thing was so sudden and a terrific shock, taking him exceedingly by surprise, and the vibration on board the ship from this terrible upheaval would probably blend the sounds so together that he would not notice the difference. There was a rupture and tearing of the whole fabric, and together with the shock of surprise and the uplifting of the ship and the general crash of the whole fabric, I do not wonder that Captain Sigsbee was unable to distinguish the double report.

Q. I suppose it does not surprise you that the people on the *City of Washington* were able to distinguish them?—A. Not at all. They were in a different case; they were farther away. Captain Sigsbee was so exceedingly close to the explosion that the double sound probably merged into one; that is, the conveyance of the sound wave in the air and the ground shock were to his ear, together with the other sounds, simultaneous.

Q. If the ship was blown up from the shore or from the Spanish ship, must it not have been done by some Spanish official?—A. Unquestionably.

Q. Would anybody else, any ordinary people around the city, have access to the instrument from which a submarine mine would be discharged?—A. I should think that common prudence would impel the Spanish to guard a magazine containing an instrument used for exploding a mine very carefully in their own selfish interests. It might be possible that one of their own ships would drift over it, and if it had been in the power of a hostile Cuban to touch it off he would certainly do so.

Q. So that, if discharged from ship or shore, it was discharged by a Spanish official?—A. Unquestionably.

Q. In the case of that ship lying over that submarine mine with her full magazines, state whether or not it would have been a reasonable supposition on the part of whoever exploded the mine that there would be no one left to tell the story at all?—A. It would be quite reasonable to expect that, supposing, as we have a right to suppose in our assumption, that this mine was touched off by a Spanish official, that this official would be an expert, naval or military—and the various bureaus of military and naval intelligence have, to my knowledge, complete plans of all great structures afloat. We have, I know, because I have been furnished them myself.

The Spanish have had their naval attaché here, who has, no doubt been supplied with the same information. We have an attaché at the Court of Madrid, endeavoring to get all the information there—Lieutenant Dyer. Assuming that the person who touched off that mine was either a naval or military officer, he would want to place his mine to cause the explosion where it would do the utmost amount of damage and from the testimony adduced that explosion occurred in the vicinity of the forward magazines in the vessel. They could not cover the whole ground with one mine. The after and forward magazines being so far apart, they could not cover both with one mine.

This mine was exploded very near one of the magazines, and the force of that explosion passed directly through some of those magazines. The effect of such a blast, destroying a vast amount of steel bulkhead and frames and beams and other structures of steel, would send the hurtling mass grinding through a magazine, through the powder, the fragments impinging one upon another; and anyone who has seen the foot of a horse striking sparks from a piece of Belgian pavement, might imagine the number of sparks and can also imagine the heat evolved by these steel fragments driven through a mass of powder, sufficient amount of heat to explode powder. In my judgment that the way it was done, and that is the way and result I would expect to follow if I intended to blow up the magazine of a ship. I would intend to blow not only the bottom of the ship but the magazine.

Q. Suppose the main magazine had blown up?—A. If the main magazine had blown up, as we have the right to suppose would be the case there would be no one to tell the story.

By Mr. MORGAN:

Q. You mean the forward magazine?—A. I am satisfied the head charges did not explode.

By Mr. FRYE:

Q. If they had exploded, they would have blown up everyone on board?—A. Yes, sir.

By Mr. MORGAN:

Q. You speak of the forward magazines?—A. If they could have located the mine under the after magazine, the ship would have been utterly destroyed. There were stored the gun cotton and the wadding heads for the torpedoes, and the heavy ammunition—everything was stored there. But they were 120 feet away from the scene of the explosion and are intact—were not disturbed.

By Mr. FRYE:

Q. You have read the testimony and examined the plates?—A. Yes, I have.

Q. Does that reading leave any doubt in your mind as to the fact that the ship was blown up by an external submarine mine?—A. It leaves

no doubt, and removes any doubt I might have entertained, as being absolutely impossible. Assuming we would like to go to work to prove that there was an internal explosion, this evidence of the testimony and these drawings refute that absolutely and decidedly, for the reason—we will go back to our schoolboy days, to Marryat's law—gases and fluids have the property of expanding equally in all directions. The force would be lateral, upward, and downward, and equally strong, the bottom, sides, and decks blown out and uplifted, a general clearance of everything.

The drawings accompanying this report show conclusively the tremendous effect caused by an explosion underneath, which lifted the body of the ship and plunged the bow and ram down in the mud, and it was such a tremendous power that it has left that portion of the ship in the same position now, with a portion of the bottom plating showing the germicide paint—the green paint—not used anywhere else except for antifouling purpose, 4 feet above the water.

By Mr. DAVIS:

Q. How far above its normal position?—A. Thirty-six feet. Now, I suppose—at least I am quite sure—there is not a naval expert in the world who would view those drawings who would give any other testimony; I can not imagine anyone who has had any experience at all giving any other.

By Mr. MORGAN:

Q. Is that green paint used on any other portion of the ship?—A. It is used nowhere else.

Q. It is a green paint?—A. Yes, sir; it is a germicide paint, and is poisonous.

By Mr. DAVIS:

Q. Is it used anywhere except on the bottom?—A. Nowhere else.

By Mr. TURPIE:

Q. The outside of the bottom?—A. Yes, sir; nowhere else.

By Mr. FRYE:

Q. That Spanish naval board which made a report in regard to this explosion and found it was caused by an accident inside could not have made any reasonable examination?—A. It is quite possible the Spanish divers, and also the Spanish officials in charge of those divers, may have made what they consider an examination. It is also quite possible that not one of them was an expert; had ever handled an explosive, or knew anything whatever about the action of high explosive mines.

Q. They find this, as they say, one important fact, that there were no dead fish next day.—A. That does not surprise me. A boy can explode a little dynamite on the surface of the water and stir up quite a number of dead fish if there are any fish there; and again, during my work in Mobile Bay, and it is a fine fish-producing water, in three or four weeks' work I never saw one dead fish. I was expecting to see them, but I did not. I have myself, as president of the board of inspection, in California, inspecting ships fitting out and returning from a cruise for several years, and the Mare Island Straits abounds in fish, and one of our drills is to fire our bomb torpedoes somewhat below the surface of the water to see whether the men were proficient in that sort of work, and I have had occasion to fire a great many torpedoes in those waters, and I never saw a dead fish in those waters while I was there.



By Mr. MORGAN:

Q. About how many torpedoes and mines did you explode in Mobile Bay?—A. We were sending down these mines and exploding them as rapidly as we could fill and plant them; I suppose averaged one in every half hour, and that extended over a period of three weeks.

By Mr. DAVIS:

Q. Over a large area?—A. No; we were blowing up the main obstruction.

By Mr. FRYE:

Q. You are familiar with the waters of Havana Harbor and have been there a long time. Are there many fish there?—A. I saw very few there. I saw a few surface fish. The fishing to supply Havana is all done outside the harbor. Boats go outside in the morning and return in the evening for the fish market. I have seen what I took to be the small fish that had been brought in, spawned there probably.

Q. Is the water very foul?—A. The water is very foul. The accumulated bilgewater of sugar ships for a century or so, like molasses, and the outflow of the scouring of Havana gutters all pours into the harbor, all the filth and offal from the fish markets and the beef market and so on—all refuse is dumped there.

Q. What is the tide there?—A. It is what is known as a swelling and ebbing tide. There is a tidal rise and fall, with a light surface current which runs in in moderate force and reflows.

Q. Every six hours?—A. Ebb and flow enough to swing ships that would swing at the buoys.

Q. Do you know the difference between the high and low water?—A. Two or three feet; enough to make quite a surface current.

Q. If this explosion had taken place at 9.30 in the evening and the waters not been inspected until the next day, even if there had been any fish killed by the explosion would you have expected to find them?—A. There was abundant time for the fish to flow from the harbor, or up and be left stranded by the falling tide. That is a great harbor for saluting with very heavy guns, and sometimes if a poor unfortunate fish happens to be below the muzzle of a gun he will turn up. They are saluting there all the time, and I never saw any dead fish lying around.

Q. You think there is nothing in that dead fish Spanish evidence?—A. I do not. I saw the departure of a Captain-General from the port of Havana early in 1869 or late in 1868, and they had quite a large Spanish fleet there. He was quite a popular man, and from the fleet and from the forts began a system of saluting which was equivalent to a bombardment in volume of explosion, to do honor to this big man of theirs. The concussion of that saluting was something terrific. We joined in as a matter of course, and there were no dead fish in that case, at least none ever noticed.

By Mr. MORGAN:

Q. Have you been to Puerto Rico?—A. I have.

Q. I wish you would describe the bay there, at San Juan, I believe?—A. It is a second Havana, on a smaller scale, with powerful fortifications of the old type defending it. It is a walled city and it has a deep harbor that would afford refuge for the largest battle ships in the world.

Q. How is the anchorage in the bay?—A. Very good and perfectly secure. It is considered a capital hurricane harbor, to use a West

Indian term. That is, that ships with three or four anchors down could ride out a hurricane there.

Q. Is the bay commodious?—A. It is not as large as Havana, but it is large enough for quite a fleet, and being landlocked the ships could anchor with a small scope of chain, giving room for a large navy.

Q. Can the bay be shelled?—A. Yes, sir; from the entrance and over the town. Those old fortifications were magnificent in their day, and cost so much that there is an old story of the King of Spain with his telescope. On one occasion one of the Spanish kings was looking from his palace with a large telescope. The captains-general and the officials of those days were about as now, exceedingly corrupt.

They had charged a great many millions for the building of the defenses of St. Johns, Puerto Rico, while the work was all done by Carib labor under the lash and did not cost anything. One of the courtiers asked him, "Your Majesty, what interests you so much?" He said, "I am looking to see the golden walls of St. Johns. They have charged a hundred millions for them, and I thought they must be in sight from here." These golden walls were magnificent pieces of masonry, and against the 12 and 18 pounders and powder of that day they were impregnable, but as against the 12 and 13 inch guns of the *Indiana* and the *Massachusetts* they are of no more value than a wooden fence.

By Mr. FRYE:

Q. Do you know whether they have recently put in any guns there?—

A. I do not know, except from report, but I am quite sure that our military bureau, or naval bureau, of intelligence has positive information in regard to every gun there.

By Mr. MORGAN:

Q. I want to ask you about the Bay of St. Thomas?—A. That is another magnificent harbor.

Q. Protected by defenses?—A. Very small defense. The Danes have had no war, except their little war when Moltke overwhelmed them and took Holstein. They have some small, old-fashioned forts, but with batteries that could be readily constructed, as Beauregard did, building them of sand, the best of all forts could be put up very readily.

Q. Plenty of sand there?—A. Plenty of material. General Gilmore said as a result of his operations, beginning with Pulaski and ending with Morris Island, that if he were ordered to build a fort in New Hampshire, if there were no sand there and none within 200 miles, he would haul it there in wagons, as being the only material which can stand pounding, as shown by the terrific pounding that Morris Island was submitted to and withstood until the crest of the parapet was used up. It was marvelous. What few little holes were made during the day were filled up with sand bags during the night, and they were as good as ever the next day.

Q. How wide is the bar exit into the sea?—A. There is no bar. There is no river outflow. It is a very open, deep-water harbor. Any ship can go in day or night. There is no river to cause a bar. The anchorage is good, and in the harbor they have a floating dock, and there are sites for good docks if anyone chose to put them up, perfectly secure. It could be made a Gibraltar, the facilities for defending it are so great.

Q. What is the important command of that situation as a place of military or naval strategy?—A. If it belonged to a country having command of the sea it completes its control of the whole West India system, including the Isthmus. It is on the direct route of communication. The French, English, and German lines of commerce all pass

there, and it was the steamship depot for a number of years, being a free port, having great facilities for coaling and all that.

Q. What is your opinion of its importance as a location for a coaling station?—A. It is unsurpassed. I was very much interested in knowing the harbor and the people so well at the time we were negotiating for the purchase of the islands originally, St. John, St. Thomas, and Santa Cruz, and I made a close study of it. Of course from my ideas as a military man I considered it a military necessity that we should have it. I was looking forward to the possibility of an Isthmian canal at some time in the future. There is always a great stock of the best kind of coal, Cardiff coal, English coal, there.

Q. In times of peace do you consider that a coaling station there would be of great advantage to commerce as well as in times of war to war ships?—A. Unquestionably.

Q. If you were in command of a fleet and required to be stationed off or near the Dry Tortugas or Key West, to what points would you look for your supply of coal?—A. I would look, as long as it remained in our control—we get our supplies from the northern ports, Mobile and the Mississippi Valley.

Q. In time of war would not your coal fleet be very much exposed coming down the coast to find a war fleet at Key West or Dry Tortugas?—A. They would be very much exposed if you were at war with a nation having a superior naval force. As General Grant well expressed it, the objective point of an enemy is its main army. In a naval war our objective point would be the naval fleet of Spain, which is now concentrated at St. Johns, Puerto Rico. If you strike that fleet and strike it successfully, Spain is dead so far as naval operations are concerned, and Spain being dead the coal fleet is safe. You deal her such a blow and she can never recover from it. If she selects Havana, very well: we will strike her there, and if she occupies Puerto Rico, strike her there and take it away.

Q. In that event, how far would you be from your coal supply at Key West or Tortugas?—A. If I strike for Puerto Rico I have my secondary supply of coal at St. Thomas.

Q. In the absence of that supply, if coal were contraband of war, where would be your base of supply, at Key West or Tortugas?—A. If I had any doubt of being able to procure coal in the friendly harbor of St. Thomas I would carry my coal with me, steam colliers accompanying the fleet. I would take St. Johns and coal comfortably inside the harbor. I am giving what I firmly believe to be in our power to do if our fleet assembles and if we concentrate and strike such a blow. It is feasible and entirely practicable. I could take the *Vesuvius*, and after silencing the guns of the fort send half a dozen of those terrible projectiles from her guns into the harbor, and she would blow up every ship in that harbor.

Q. How far is it by a proper sailing line for a fleet from Key West to St. Johns, Porto Rico?—A. I have not a chart, but I think about 900 miles.

Q. So that if you had possession of St. Thomas you would have a great advantage in coaling your fleet over the situation in case you had to get your supply from Key West?—A. You are so near to Porto Rico from St. Thomas that from the elevation above St. Thomas you can view the eastward end of the island.

By Mr. FORAKER:

Q. Assuming that at the time of the explosion of the *Maine* the electric lights on shore in the city of Havana were extinguished, to

what would you attribute that result, judging from your knowledge of how submarine mines are arranged for explosion, and basing your opinion on all the knowledge you have of such matters and the circumstances attending this particular explosion?—A. In order that this mine should have any effect on the Havana electric-light system, it must have been connected with one of its switch boards. The explosion of the mine disrupting the cable and making ground connection would release the full electric current, taking it to earth. In the system connected with that, all the lights would immediately go out.

Q. Would you, or would you not, then be of the opinion that the fact that the electric lights on shore were extinguished simultaneously with the explosion indicate that there was a connection between the submarine mine and the lights on shore?—A. That might have been.

By Mr. TURPIE:

Q. Judging from your experience in torpedo explosions, what would be the effect upon the water were a mine of the size and weight competent to make this destruction of the *Maine* lighted and exploded under a vessel of the size of the *Maine*, with metallic bottom? Would it be a disturbance in the nature of a wave or would it throw up the water in spouts?—A. I am very glad you asked that question. I had intended to say something about that, but had become interested in other matters and forgot it. The effect of the explosion of a mine in regard to the column of water thrown up depends, curiously enough, upon its depth from the surface.

The explosion of a mine near the surface—3 or 4 or 6 feet below the surface—will throw up a terrific column of water. The explosion of a mine at a depth of 30 feet would hardly make an ebullition, even when there is nothing on the surface. That was the case in removing the reefs at Hell Gate and elsewhere, where there were terrific explosions. Admiral Matthews's attention was called to this fact early in the day, and mine also. I confess it surprised me. I had supposed that the deeper a torpedo, the deeper and heavier it was tamped, the deeper and heavier would be the effect, and I was astonished to find that it was not so.

In the shallow water in Mobile Bay I could not go very deep, the deepest I could go was 15 feet. When I got below 4, or 5, or 6 feet, the smaller the water column thrown up, and Admiral Matthews will testify that at 30, or 35, or 40 feet, hardly a disturbance on the surface, even to bubbling.

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#### STATEMENT OF HONORÉ FRANÇOIS LAINÉ, APRIL 7, 1898.

Honoré FRANÇOIS LAINÉ, being duly sworn, testified as follows:

Senator GRAY. Mr. Lainé, you were in Havana on the night of the disaster to the United States battle ship *Maine*?

Mr. LAINÉ. Yes, sir.

Senator GRAY. Please state how long you had been there and what was your occupation.

Mr. LAINÉ. I arrived in Havana on the 1st of January of this year at 6 o'clock in the morning, on the steamship *Olivette*, as correspondent of the New York Sun, and I was in that capacity in Havana until the 4th of March, when I was expelled by the Spanish authorities, who have never notified me why they have done so.

Senator GRAY. You had been a resident of Havana before that time, had you not?

Mr. LAINÉ. Yes, sir; I was born in Cuba and I lived in Cuba until I was 10 years old.

Senator GRAY. Who was your father?

Mr. LAINÉ. Damaco Lainé.

Senator GRAY. A planter?

Mr. LAINÉ. A planter in the Province of Matanzas.

Senator LODGE. And your mother was an American?

Mr. LAINÉ. My mother was an American, from Wilmington, Del.

Senator GRAY. What was her name, please?

Mr. LAINÉ. Mary Garesché.

Senator GRAY. The family had lived in Wilmington before?

Mr. LAINÉ. Yes, sir; the Du Pont Powder Works used to belong to them. They had powder works.

Senator LODGE. Your father was a French citizen?

Mr. LAINÉ. Yes, sir.

Senator LODGE. You were a French citizen?

Mr. LAINÉ. Yes, sir. When I was 10 years old they sent me to Georgetown College. Then I studied veterinary medicine in New York.

Senator LODGE. Veterinary surgery?

Mr. LAINÉ. Yes, sir; veterinary surgery. When I was 19 years old I graduated, March 4, 1885. I studied that as a sort of sport. I am very fond of horses and thought it best to study that. As to my work in Cuba, I own patents in machinery down there—sugar machinery patents. That was my business, and for that reason I traveled all over the Island of Cuba, and on the whole island. When the war broke out, not having anything to do, I accepted the position of correspondent of the New York Sun.

Senator GRAY. You are familiar with Cuba and with the Spanish language?

Mr. LAINÉ. Oh, yes, sir.

Senator GRAY. And French well as English?

Mr. LAINÉ. Yes, sir; French.

Senator GRAY. Now, please recur to the night of the explosion. Where were you at the time the explosion occurred?

Mr. LAINÉ. The American correspondents at Havana at that time had the habit of congregating in the park known as Isabel la Católica, in front of the Hotel Inglaterra. We used to sit down there and talk and exchange notes. That night I had just returned from the Captain General's palace, the censor's office, and was sitting in the park with some friends when we saw the skies get red, and two or three seconds afterwards we heard a terrific detonation. We took a cab and drove down Obispo street to the wharf of Caballería.

Senator GRAY. Will you be good enough to indicate on this map [exhibiting] by a cross with a pencil where you were sitting in the park?

Mr. LAINÉ [indicating]. Right here, sir. Here is the Hotel Inglaterra [indicating]. From there we took a cab and came down this street [indicating]. There is the Captain-General's palace [indicating]. The cab stopped there [indicating]. This is a gate [indicating].

Senator FORAKER. The cab stopped where?

Mr. LAINÉ. At the entrance of the wharf of Caballería.

Senator FORAKER. At the water?

Senator GRAY. On the water front?

Mr. LAINÉ. On the water front. Then we passed through the iron door there [indicating] and we were on the wharves.

Senator FORAKER. Did you leave your cab there?

Mr. LAINÉ. Yes, we paid the man and left the carriage there. Right at the entrance of it there is a large electric pole, what you call—

Senator FORAKER. A lamp?

Mr. LAINÉ. An arc light. That was extinguished.

Senator FORAKER. The light was extinguished?

Mr. LAINÉ. The light was extinguished.

Senator FORAKER. Then what did you do after leaving your carriage?

Mr. LAINÉ. Then we got on the wharf, on the water side.

Senator GRAY. On the water side?

Mr. LAINÉ. On the water side. There are about 25 or 30 feet, you know. You can walk all around the wharves. These are on the wharves [indicating] and you go inside. There are long wharves.

Senator GRAY. All along the water front?

Mr. LAINÉ. Yes, sir; all along the water front. We got to the water front. I saw by the light that it was the *Maine* that had been blown up.

Senator GRAY. By what light?

Mr. LAINÉ. By the light of the *Maine*. She was burning already; at least, something was burning on the deck that showed me her mast. I could see by that that it was the *Maine*.

Senator GRAY. Did you notice any other electric lights extinguished than the one at the entrance?

Mr. LAINÉ. Every one of them all along here [indicating] was extinguished.

Senator FORAKER. Please state what you did after you left your carriage?

Mr. LAINÉ. After I left my carriage I saw everybody running in this direction [indicating].

Senator FORAKER. In what direction?

Mr. LAINÉ. In the direction of the machina.

Senator DANIEL. What is the machina?

Mr. LAINÉ. The machina is big shears that they have.

Senator LODGE. A great pair of tongs for the purpose of lifting masts out of vessels.

Senator FORAKER. How many squares were there from where you left your carriage to the machina?

Mr. LAINÉ. About six squares.

Senator GRAY. After you entered the iron gate you turned to your right and went along the water front?

Mr. LAINÉ. Yes, sir.

Senator GRAY. To the machina?

Mr. LAINÉ. Yes, sir.

Senator GRAY. And that was toward the *Maine*?

Mr. LAINÉ. Yes, sir; it was toward the *Maine*.

Senator LODGE. That is where the admiral's house is [indicating]?

Mr. LAINÉ. It is where the admiral's house is.

Senator GRAY. You say when you first entered the gate there was a tall iron pole that had an electric light on it which had been extinguished?

Mr. LAINÉ. Yes, sir. There are several around here; but this one was distinguished because it was right in the center here [indicating], and I had it in front of me. It was so dark that I noticed it.

Senator GRAY. Were those around it extinguished?

Mr. LAINÉ. All were extinguished around there.

Senator GRAY. Were there a number of electric-light poles along the water front that you traversed on your way to the machina?

Mr. LAINÉ. I will mark them here [indicating]. There are about twelve all along here.

Senator GRAY. On the road you traveled?

Mr. LAINÉ. Yes, sir.

Senator GRAY. Were they all extinguished?

Mr. LAINÉ. They were all extinguished. The wharf was very dark.

Senator GRAY. Is this part of the city [indicating] lighted largely by electricity?

Mr. LAINÉ. Only on the wharves, sir.

Senator GRAY. What is the lighting here [indicating]?

Mr. LAINÉ. Gas.

Senator GRAY. Was that extinguished?

Mr. LAINÉ. I did not notice that. My attention was not turned that way.

Senator FORAKER. Did you see any electric lights burning at all along the wharves?

Mr. LAINÉ. No, sir.

Senator GRAY. They were all out?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Were you ever down there at any other time in the night time?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Did you ever see them out before?

Mr. LAINÉ. No, sir; I never did. The wharves are always lit up at night, because goods are kept down there and they have to be well watched.

Senator FORAKER. Was this the first time you ever saw them out?

Mr. LAINÉ. Yes, sir; it was the first time.

Senator FORAKER. In the nighttime?

Mr. LAINÉ. Yes, sir.

Senator GRAY. Did you hear any remarks at that time or the next day about the extinguishment of the electric lights at the time of the explosion?

Mr. LAINÉ. I believe the papers mentioned that fact the next day, but mentioned it as the effect of the big explosion. I remember reading also that in a café near by \$3,000 worth of damage had been done by the breaking of glass and such things. But I am going to get those Spanish papers and try to send them to you.

Senator LODGE. Do you know whether the gas lights went out?

Mr. LAINÉ. I do not, sir.

Senator LODGE. You have no reason to suppose that they did?

Mr. LAINÉ. I could not tell you that, sir. When I got down to the wharf my main idea was to look toward the *Maine* and get a boat to go there. I paid no attention to the city or anything. But I saw this arc light fluttering; I can remember that distinctly.

Senator GRAY. You saw it fluttering?

Mr. LAINÉ. You know when an electric light goes out the carbon remains for some time red hot. I just saw that and that made the whole thing look dark. Then that crowd of excited Spaniards hallooing, and all that, impressed me with the darkness of the place.

Senator LODGE. You drove down Obispo street, which is lighted by gas?

Mr. LAINÉ. Yes, sir; it is lighted by gas.

Senator LODGE. In driving down that street, did you notice whether the lights were out?

Mr. LAINÉ. I did not. I could not tell you.

Senator LODGE. If they had been out, would you have been likely to have noticed it?

Mr. LAINÉ. Yes; I think if they had all gone out I certainly would have noticed it.

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ADDITIONAL STATEMENT OF HONORÉ FRANÇOIS LAINÉ, APRIL 7, 1898.

Honoré FRANÇOIS LAINÉ, having been previously sworn, further testified as follows:

The CHAIRMAN (Senator Davis). Mr. Lainé, you are a native of Cuba?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. What is your age?

Mr. LAINÉ. Thirty-three.

The CHAIRMAN. Your father is a French subject?

Mr. LAINÉ. A French citizen, sir.

The CHAIRMAN. You were educated in this country?

Mr. LAINÉ. In this country.

The CHAIRMAN. Where?

Mr. LAINÉ. At Georgetown College and Philadelphia.

The CHAIRMAN. What is your profession?

Mr. LAINÉ. I have studied veterinary medicine, but my profession in Cuba—I own patents in connection with sugar machinery, sugar-making establishments there.

The CHAIRMAN. Is your father a planter?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. How far from Havana?

Mr. LAINÉ. Ninety miles.

The CHAIRMAN. What became of his plantation?

Mr. LAINÉ. It has been burned.

The CHAIRMAN. By whom?

Mr. LAINÉ. By the Spaniards.

The CHAIRMAN. When?

Mr. LAINÉ. In the month of October, 1896.

The CHAIRMAN. Where did you go then?

Mr. LAINÉ. I was in prison then.

The CHAIRMAN. What became of your father and mother?

Mr. LAINÉ. They have come to this country. They are living in Tampa now.

The CHAIRMAN. Your mother is a native of the United States?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. Born at Wilmington, Del.?

Mr. LAINÉ. At Wilmington, Del.

The CHAIRMAN. What was her maiden name?

Mr. LAINÉ. Mary Garesché.

The CHAIRMAN. You went from New York to Havana as a correspondent in 1897; did you not?

Mr. LAINÉ. On the 1st of January, 1898.

The CHAIRMAN. As a correspondent?

Mr. LAINÉ. Of the New York Sun.

The CHAIRMAN. For what paper?

Mr. LAINÉ. The New York Sun.

The CHAIRMAN. Did you make inquiry of the Spanish authorities whether you would be safe in doing so?



Mr. LAINÉ. I spoke to the Spanish consul in New York, and I spoke to Secretary Congosto when I arrived there.

The CHAIRMAN. What assurance, if any, did you receive?

Mr. LAINÉ. Secretary Congosto told me that as long as he would be there nothing would happen to me.

The CHAIRMAN. Did you enter upon your duties at Havana?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. You used to exchange notes with other correspondents for the purpose of furnishing each other news?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. Did you know a newspaper correspondent by the name of Diaz?

Mr. LAINÉ. Francesco Diaz?

The CHAIRMAN. An old friend of yours?

Mr. LAINÉ. Well, an acquaintance. A reporter has a great many.

The CHAIRMAN. Was he engaged in Havana at that time?

Mr. LAINÉ. He was engaged in reporting for the Union Constitucional.

The CHAIRMAN. Was that a Weylerite paper?

Mr. LAINÉ. Yes, sir; a Weylerite paper.

The CHAIRMAN. Very radical?

Mr. LAINÉ. Very radical.

The CHAIRMAN. You have stated to me heretofore some events connected with a letter or a copy of a letter which you received from Mr. Diaz purporting to be a letter which General Weyler had sent to the editor of that newspaper. Now, I wish you to go on in your own way from the beginning, and state the history of that business and what happened to you on account of it.

Mr. LAINÉ. I met Diaz one night in a room of the Hotel Inglaterra, where the reporters used to congregate at night to talk and exchange notes. In talking with him he told me that General Weyler had acceded to become a candidate for the Cortes of Spain for the district of Havana. Asking him how he knew that, he told me he had a copy of a letter of General Weyler. The letter had been written by General Weyler to Santos Guzman, a lawyer, and head of the Spanish constitutional party in Cuba—the Weyler party. Mr. Santos Guzman had given the letter to Mr. Novo, editor of the paper, the Union Constitucional.

The CHAIRMAN. Have you that copy of the letter with you now?

Mr. LAINÉ. I have not. It is in New York, sir.

The CHAIRMAN. Will you furnish it, or a copy of it, to this committee?

Mr. LAINÉ. Yes, sir. It is in Spanish.

The CHAIRMAN. And with it a translation?

Mr. LAINÉ. Yes, sir.

Senator GRAY. Both?

Mr. LAINÉ. Yes, sir.

The CHAIRMAN. Go on with your statement.

Mr. LAINÉ. This reporter, Diaz, saw the letter at the office of the paper there and took a copy of it, which copy he gave me. I do not remember the exact words of the letter.

Senator LODGE. State the purport of it.

Senator GRAY. Subject to correction when you send the committee a copy.

Mr. LAINÉ. In the letter Weyler said—

Senator FORAKER. In substance?

Mr. LAINÉ. Yes; Weyler said that after mature consideration he had

13 decided to run as a candidate for a deputy of the Cortes in Spain. Of course the letter is much longer than that, you know.

14 Senator FORAKER. Just give the substance of it.

15 Mr. LAINÉ. And he gave his reasons why he ran as a candidate and gave some advice to Santos Guzman on that subject. Then he added that he had read that the Americans were intending to send a warship to Havana; that they had never dared to do so in his time, as he had the harbor well prepared for such emergencies—

16 Senator GRAY. Well prepared?

17 Mr. LAINÉ. Well prepared for such emergencies, and that he hoped there would be a Spanish hand who would chastise in a fitting way that offense.

The CHAIRMAN. Go on with your statement.

18 Mr. LAINÉ. The *Maine* not having arrived then, and knowing nothing at all about the arrival of American ships, that part of the letter had no importance at all.

19 Senator FORAKER. Was that before you had heard that the *Maine* was coming?

20 Mr. LAINÉ. Yes, sir; it was before that. This was so much so that as to that part of the letter I could hardly understand what he was referring to. The *Maine* arrived.

21 Senator FORAKER. What did you do with the letter?

22 Mr. LAINÉ. I have got the copy of the letter. I sent the news to this country that Weyler was willing to run as a candidate for the Spanish Cortes.

23 Senator LODGE. That was the part of the letter that interested you?

24 Mr. LAINÉ. That interested everybody then. Weyler had always said that he was not affiliated to any Spanish party. I kept the letter in my desk; I pigeonholed it in my desk and paid no more attention to it. The *Maine* arrived on the following day—two days after that.

25 Senator GRAY. Two days after you saw the copy of the letter?

26 Mr. LAINÉ. Yes; two days after I had the copy of the letter the *Maine* arrived.

27 Senator GRAY. Do you recollect about the date of the letter?

28 Mr. LAINÉ. I think it was the 24th, at nighttime—

29 Senator GRAY. The 24th of January?

30 Mr. LAINÉ. Of January, about 10 o'clock at night. At 10 or 11 o'clock at night he gave me the letter.

31 Senator GRAY. But do you recollect the date of the letter?

32 Mr. LAINÉ. The letter was written in Madrid on the 8th of January.

The CHAIRMAN. Proceed with your statement.

33 Mr. LAINÉ. The *Maine* arrived on the following day, and on the 15th of February it was blown up. I then recalled Weyler's letter. I took it out of my desk and read two or three times over his last paragraphs. I went to see Diaz three times, and tried to get at any price the original letter, and could not do it. A few days after that—

34 Senator GRAY. Did he deny the authenticity of the letter when you applied to him?

35 Mr. LAINÉ. Oh, no. I did not see Diaz after that until the time I am going to refer to now. A few days after the explosion of the *Maine* I met Diaz leaving the palace of the Captain-General as I was entering it. After saluting him he said to me, "Do you remember the copy of the letter of General Weyler I gave you?" I told him, "Yes." He said to me, "What do you think about what Weyler said of the American ship?" I answered that I thought someone had followed his advice. Diaz, being a Spaniard, looked at me very seriously in the

face. I understood right then that I had made a false step. On the night of the 4th—let me see—Wednesday; if I had a calendar here—

The CHAIRMAN. There is a calendar here.

(A calendar was handed to the witness.)

Mr. LAINÉ (after examining the calendar). On the night of March 4 at 12 o'clock that night, as I was leaving the Hotel Inglaterra, I saw two figures on the sidewalk. They were the chief of police of Havana and a detective, who I afterwards ascertained had been following my footsteps for several days. As I passed the two figures the chief of police told me, "Stop, sir; you are under arrest." A cab was passing by. I was ordered to get in, and the detective took me to the jefatura or police headquarters. There, after being searched for incriminating papers, I was locked in a small cell incommunicado. An hour after that the chief of police arrived, and said to me, "Well, we have you secure here at last." I made no reply to him, and he began to threaten me.

The CHAIRMAN. He spoke to you through the bars, did he not?

Mr. LAINÉ. Oh, yes; I was inside the cell.

The CHAIRMAN. What was his language in threatening you?

Mr. LAINÉ. I think I ought to refer to the cab again and the way.

The CHAIRMAN. Oh, yes.

Mr. LAINÉ. As the detective was paying for the cab that took us to the jefatura I was able to signal to the cabman, who was an acquaintance of mine, to inform my friends that I had been detained. He nodded with his head and I knew that he had understood my sign. He was Cuban, you know. When the chief of police began to threaten me—

The CHAIRMAN. What did he say?

Mr. LAINÉ. He said to me, "The secret that I know you know will never be known by others, as they will not know either what has happened to you." I then replied to him, "If you think, Colonel"—he is colonel of police—"that you can make me disappear as you did Posada and Ariza" (two young men who had been taken out of the place and killed in the outskirts of Havana by the Havana police) "you are very much mistaken, as by this time the French and the American consuls will know what you said to Consul Lee on the 24th of February concerning his threatening attitude, ordered me out of the cell, ordered two chairs to be brought, and asked me to sit down as he wanted to have a talk with me. He then said, "I know all about a copy of a letter which you say you have of Weyler. That does not trouble me. What I want to know is what you said to Consul Lee on the 24th of February concerning the explosion of the *Maine*." I answered him that I had not spoken of that subject to Consul Lee. I was ordered to be locked up again in the cell. The next morning I was sent to the Fortress Las Cabañas. On Wednesday March 9, at 11 o'clock in the morning, I was taken out of my cell by a Spanish captain of the Fortress, put on board a Government boat, rowed to the steamer *Olivette* by Spanish sailors; and that is all. There is not anything more to it.

The CHAIRMAN. You were placed on board the *Olivette*?

Mr. LAINÉ. That is all. I do not know yet why I have been expelled.

The CHAIRMAN. You came to this country?

Mr. LAINÉ. I came to this country.

The CHAIRMAN. You have been here ever since?

Mr. LAINÉ. Yes, sir; I have been here ever since.

Senator GRAY. Did you bring that copy of the letter away with you?

Mr. LAINÉ. Yes, sir.

Senator GRAY. Where was it?

Mr. LAINÉ. Being a correspondent of an American newspaper and receiving all sorts of letters from the insurgents and people of that kind, I kept those documents in a secret corner of my room. The Spanish authorities, when they searched my room, were unable to find that. A friend of mine lived in the same house, the house of an American, Dr. Wilson, and knew where I kept my things. I was able to send him a message from the fortress and tell him to pack all my clothes and send all my papers. My clothes were sent to me, my valise, but the papers were given in a sealed envelop to the agent of the Plant Steamship Company, who delivered them to me on board the steamship *Olivette*, and I signed a receipt for them from this young man, named Mr. Miranda.

Senator FORAKER. You signed the receipt for this sealed package of papers on board the *Olivette*?

Mr. LAINÉ. Yes, sir; on board the *Olivette*.

Senator FORAKER. After the Spaniards had put you there?

Mr. LAINÉ. Yes, sir.

Senator GRAY. And that package contained this copy of Weyler's letter to which you have referred?

Mr. LAINÉ. Yes, sir; and it contained a great many things.

Senator FORAKER. Where is that copy of the Weyler letter now?

Mr. LAINÉ. I have it in New York.

Senator GRAY. And you will send us the original Spanish copy and a translation?

Mr. LAINÉ. Yes, sir.

The following is the copy of the letter referred to above with its translation:

MADRID, Enero 8 de 1898.

Sr. FRANCISCO DE LOS SANTOS GUZMAN, *Habana*.

MI DISTINGUIDO AMIGO Y CORRELIGIONARIO: Mi opinion sobre la actitud de nuestro partido en Cuba ha cambiado ante los ultimos sucesos.

Si yo crei antes que el partido debia dignamente abstenerse de entrar en la tienda electoral, ahora creo que es una necesidad patriotica y un deber que tome parte en esa elecciones.

No cabe dudar del exito ni de nuestra mayoria en las listas; ni tampoco de que un programa fundado en la defensa del honor nacional habia de arrastrar junto con nosotros los elementos tibios; pero sinceramente españoles que se han dejado ilusionar por las combinaciones de Moret y Sagasta y que han tomado por buena moneda y como combinaciones cientificas la verdadera y deshonrosa humillacion de nuestro pueblo ante el de los Estados Unidos.

Inscriban Uds. en su bandera (la bandera de España) "revindicación del decoro nacional" y yo me ofrezco como su candidato. Mi título mayor de gloria despues de haber mandado durante dos años doscientos mil heroes españoles en Cuba, será el de Diputado por la Habana.

Por cierto que he leido ultimamente que piensan los Americanos enviar un buque de guerra á esa ciudad. En mi tiempo ni lo soñaron siquiera.

Sabian el terrible castigo que les hubiera esperado.

Yo preparé ese puerto para esa contingencia haciendo obras que Martinez Campos habia abandonado.

Si el tal insulto llegara a realizarse, espero que no faltara una mano española que se levante para castigar tan ejemplarmente como merece la provocacion.

Romero está bien como nunca lo creimos sus amigos y aparte de los disgustos que esta atmosfera de humillaciones me impone lo esta tambien su afmo. amigo.

Y. S. S.

VALERIANO WEYLER.

Here is a copy of the letter:

His Excellency DON FRANCISCO DE LOS SANTOS GUZMAN,

*Havana*.

MY DISTINGUISHED PERSONAL AND POLITICAL FRIEND: Since the latest events, I have changed my views about the attitude which our political party in Cuba ought to assume.

I have thought before that it was more dignified for us to abstain from the electoral contest; I believe now that it is a patriotic duty for us to go to the polls. Our success can not be doubted; neither can be our majority of voters, nor that, with a programme of defense of the national honor, we will have side by side with us all those lukewarm politicians who, though Spaniards by heart, are deceived by the inside combinations of Moret and Sagasta, and take as scientific solutions of our colonial problems what are really dishonorable humiliations of our country before the United States.

Write on your flag, the flag of Spain, "Defense of national honor," and I offer you my name as your candidate.

After having commanded during two years 200,000 Spanish heroes in Cuba, the title I shall be more proud of is that of deputy from Havana at the Cortes of Spain.

By the way, I have read these days that the Americans are pondering about sending one of their war ships to that city. During my command in Cuba they did not even dare to dream about it. They knew the terrible punishment that awaited them.

I had Havana Harbor well prepared for such an emergency. I rapidly finished the work that Martinez Campos carelessly abandoned.

If the insult is made, I hope that there will be a Spanish hand to punish it as terribly as it deserves.

Romero is in better health than his friends could have expected, and notwithstanding how morally sick I feel breathing this humiliating atmosphere, is well, also your affectionate friend and servant.

VELERIANO WETLER

MADRID, January 8, 1898.

This letter was written to Guzman, who as leader of the Conservative party is Spanish as garlic, and was by him turned over to the editor of the ultra-Spanish paper, *La Union Constitucional*, in order that Welter's candidacy might be announced and favorably commented upon.

This was before the *Maine* had gone to Havana, so there was no immediate significance in that portion of the letter that referred to the preparations to destroy American war ships.

Senator FORAKER. In whose handwriting is that copy of the letter Mr. LAINÉ. I believe it is in Diaz's handwriting.

Senator FORAKER. It is not in your handwriting?

Mr. LAINÉ. Oh, no, sir.

Senator GRAY. You will make affidavit that that is the copy you received from Diaz?

Mr. LAINÉ. Yes, sir.

Senator GRAY. And that it is given a proper translation? The translation, however, will show for itself.

Senator LODGE. You will also send us, if you can find them, those Spanish papers showing that the lights were turned out?

Mr. LAINÉ. Yes; I will try to get those Spanish papers which speak of the lights.

Senator GRAY. You spoke of being in prison at the time your father's plantation was burned?

Mr. LAINÉ. Yes, sir.

Senator GRAY. What was the nature of that imprisonment; was it political or otherwise?

Mr. LAINÉ. Political, sir.

Senator GRAY. Please state the causes and circumstances attending your imprisonment.

Senator FORAKER. And the duration of the same, and how it was terminated.

Mr. LAINÉ. When Gomez and Maceo were on their invading march they invaded the whole island—

Senator GRAY. In what year?

Mr. LAINÉ. That was December 22, 1896. They passed near my father's place. I met a friend of mine, Brigadier Zayas, who induce

me to accompany him for a few days. In order to see something of the war I consented, and I was with Gomez and Maceo for eight days. They were then making a circuit, and they promised that they would let me go home in the same place that they had taken me prisoner; that they had asked me to go with them, which was so.

Senator FORAKER. They were to return to the same place?

Mr. LAINÉ. Yes, just making a circle to see the Spanish forces. They were going back, you know; and eight days after that I came home. Convinced of what the Cubans were going to do in the island, I advised my family to leave the plantation and go to Havana, and they did, I accompanying them. Eight days after we were in Havana I was taken prisoner and accused by the Spanish of being an insurgent chief. I was tried twice by the Spanish authorities, once in Havana and the other time in Madrid, and I was acquitted in Madrid, as they had no charges against me, after being kept in prison for one year, one month, six days, and two hours.

Senator FORAKER. What was the nature of your imprisonment? Where were you imprisoned, and how?

Mr. LAINÉ. I was imprisoned until the 24th of June in the Cabañas fortress. General Lee one day appeared unexpectedly in the fortress to see the crew of the *Competitor*. This so worried Weyler that in order to avoid other visits of General Lee he forbade all foreigners from going to the fortress. My father, being a foreigner, was not allowed to go there. He had been going to see me for the last five months, you know.

Senator FORAKER. Were you present at the trial had in Havana when you were convicted?

Mr. LAINÉ. Yes, I was present there.

Senator FORAKER. Of what were you convicted?

Mr. LAINÉ. Well, I do not think I was convicted of anything, but I was accused of a good many things.

Senator FORAKER. You say you were accused of being an insurgent chief. Is that the charge which was made when you were tried?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. They found you guilty?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Notwithstanding what the testimony was?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Then, you say you were acquitted at another trial, in Madrid?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Were you present in Madrid?

Mr. LAINÉ. No, sir.

Senator FORAKER. That trial was upon the record, I suppose?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. They reversed the judgment of the court below?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. What was the sentence pronounced upon you?

Mr. LAINÉ. Thirty years in chains.

Senator FORAKER. That was pronounced in Havana when you were found guilty?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. When you were first arrested, where were you taken and how dealt with?

Mr. LAINÉ. I was taken to the jefatura, and from the jefatura to Cabañas fortress. I did not finish what I was saying just now. When my father protested he could not go to see me in the fortress, General

Weyler ordered me to be sent to the city jail, where my father could go to see me.

Senator FORAKER. Who interposed in your behalf, if anybody?

Mr. LAINÉ. I have had a good many persons.

Senator FORAKER. I mean what official interposed.

Mr. LAINÉ. In my behalf?

Senator FORAKER. Yes.

Mr. LAINÉ. Mr. Eustis did a good deal for me, too, in Paris, and the French Government, of course.

Senator FORAKER. That is what I wanted to know, whether it was the French officials who interposed.

Mr. LAINÉ. Yes, the French Government got me out of that.

Senator FORAKER. Did you not, when arrested, call upon the representative in Havana of the French Government?

Mr. LAINÉ. Oh, yes, sir.

Senator FORAKER. Did he take any steps in your behalf?

Mr. LAINÉ. Unfortunately he was the only foreign representative who in the time of Weyler received a decoration from the Spanish Government, and it was not until after he had left Havana and my case went to Madrid that the French Government really took an interest in my case.

Senator DANIEL. He received a decoration from the Spanish Government?

Mr. LAINÉ. Yes, a decoration. He was given a cross.

Senator FORAKER. Were you at any time in incommunicado?

Mr. LAINÉ. Twenty-five days, sir.

Senator FORAKER. At what period of your confinement?

Mr. LAINÉ. The first twenty-five days.

Senator FORAKER. By incommunicado we are to understand that no one was allowed to see you?

Mr. LAINÉ. No one was allowed to see me. I could not write nor read, and I had no communication with the outside world.

Senator FORAKER. Can you us tell whether the Republic of Cuba has any headquarters; and if so, where located?

Mr. LAINÉ. They are located in the Province of Camaguey.

Senator FORAKER. At what place?

Mr. LAINÉ. In the mountains of Cubitas, at a place called Cubitas.

Senator FORAKER. What is the population of Cubitas, just roughly stated?

Mr. LAINÉ. I think about 800 to 1,000 persons. Of course the Cuban Government does not want to keep many women and children there. Fearing to be attacked, they prefer to have them dispersed around the prefectures.

Senator FORAKER. How long have the headquarters of the Cuban Republic been at Cubitas?

Mr. LAINÉ. Since June, 1895.

Senator FORAKER. Have you been at Cubitas since the headquarters were located there?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. What officials of the Cuban Republic are there, if any at all?

Mr. LAINÉ. Well, there is the President, the Vice-President, the representatives of the constituent assembly, the secretary of war—

Senator FORAKER. The cabinet?

Mr. LAINÉ. Yes, sir; the cabinet.

Senator FORAKER. Let me ask you, so as to have it explicitly stated,

whether it is or is not true that the assembly of representatives of the Cuban Republic, provided for in the constitution of that Republic, and the President, Vice-President, and the cabinet, provided for by that constitution, all reside at Cubitas during their official terms?

Mr. LAINÉ. Yes, sir; they all reside there during their official term, which is two years.

Senator FORAKER. State whether they have buildings set apart as the official buildings of the Republic of Cuba?

Mr. LAINÉ. They have; and I could get you a sketch of them.

Senator FORAKER. That is not necessary. You know this from your personal knowledge—from having visited the place?

Mr. LAINÉ. Yes, sir; I have seen them.

Senator FORAKER. Are those buildings occupied by these officials?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Do they conduct the business of their Government there and have archives?

Mr. LAINÉ. All the business of their Government is conducted there, and they have the archives, which are kept as I have seen them—I do not know that they have changed them since then—in cedar boxes, which are made in a way that they can be easily transported from one place to another in case of emergency.

Senator FORAKER. State what departments of that Government, if any, are in operation.

Mr. LAINÉ. Well, there is the legislative body there, and there is the war department; and the minister of finance is there.

Senator FORAKER. State whether they have a fiscal system.

Senator DANIEL. A secretary of the treasury?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. And if so, by whom conducted.

Mr. LAINÉ. Yes, sir; the fiscal system is conducted by the department of the treasury there, which resides there, and taxes are collected by the Cubans all over the island, for which they always give a receipt.

Senator FORAKER. In the name of the Cuban Republic?

Mr. LAINÉ. In the name of the Cuban Republic; and the property of people who pay their taxes there is always respected. Only about two months ago a gentleman from New York, Mr. Louis Marx, asked me in Havana—

Senator FORAKER. Have they tax collectors throughout the island?

Mr. LAINÉ. Yes, sir; that is what I was going to say now. Mr. Marx owns a tobacco plantation near Alquizar. He informed me that the Cuban tax collector had come to his plantation and collected his taxes. He paid the contribution. He showed me the receipt and he asked me to inquire whether it was made in due form and by duly authorized persons.

Senator FORAKER. Is that the end of your statement on that point?

Mr. LAINÉ. I was going to give the proofs. I inquired of the prefect of Havana, who lives in the city of Havana, whether the said man was really the authorized man to do so, and when he saw the signature and—how do you call that thing they put on paper?

Senator FORAKER. The stamp?

Mr. LAINÉ. When he saw the signature and the stamp he informed me that it was correct.

Senator FORAKER. Then, as I understand you, they have a prefect in each subdivision of territory throughout the island?

Mr. LAINÉ. Yes, sir; throughout the Island of Cuba.

Senator FORAKER. What kind of an officer is a prefect?



Mr. LAINÉ. The prefect is generally chosen as a married man who knows how to read and write, and who has good conduct. He is the one who is in charge of all the petty civil charges of his neighborhood.

Senator FORAKER. Do you mean that he is a judicial officer?

Mr. LAINÉ. Yes, sir; he is one who has to take care of the children and see that they go to school, and protect the women and children. He has to furnish guides in traveling. It is a judicial and military title at the same time. He has to furnish guides to different bands of forces of Cubans who travel from one part of the island to another.

Senator FORAKER. And they have a prefect even in Havana?

Mr. LAINÉ. Yes, sir; in the city of Havana.

Senator FORAKER. They have them scattered throughout the island?

Mr. LAINÉ. All over the Island of Cuba.

Senator FORAKER. Are they in the constant discharge of their duties?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Is the prefect in the city of Havana appointed by the Republic of Cuba, known as such?

Mr. LAINÉ. He is known to all Cubans.

Senator FORAKER. He is known only to the Cubans?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. He is not known to the Spanish authorities?

Mr. LAINÉ. No, sir.

Senator FORAKER. Now tell us as to their postal system, whether or not they have any in operation.

Mr. LAINÉ. They have a perfect postal system all over the island of Cuba.

Senator FORAKER. What is the nature of it?

Mr. LAINÉ. It is carried by special messengers in the provinces of Havana and Matanzas, in the trains of the Spanish Government, and through where there are no railroads by men on horseback. Do you wish me to describe how it is done?

Senator FORAKER. Yes.

Mr. LAINÉ. I do not know whether or not that would be interesting to put down, but I will just show you how it is done. There is a tree in Cuba called the royal palm, which gives a special bark, and these are the mail bags, because it is impervious to water. They make the bags out of this bark and carry them on horseback, and when the horse swims the stream the water does not cause damage.

Senator FORAKER. Are those the official mail bags that you speak of?

Mr. LAINÉ. No; that is the way that I have seen them carried.

Senator FORAKER. Have they any such thing as a postage stamp?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Who manufactures and furnishes that stamp?

Mr. LAINÉ. It is manufactured in this country.

Senator FORAKER. And furnished by whom?

Mr. LAINÉ. By the Cuban Government. If you wish, I can send you different postage stamps at different prices.

Senator FORAKER. That is not necessary. Are these postage stamps recognized as payment for the carrying of the mails in Cuba?

Mr. LAINÉ. Yes, sir; in the Cuban ranks.

Senator FORAKER. By the Cuban Republic?

Mr. LAINÉ. Yes, sir; by the Cuban Republic.

Senator FORAKER. How is it as to a system of education? Have they any?

Mr. LAINÉ. In these prefectures they have teachers who give lessons

to Cuban children. Education, according to the rules of the Cuban Republic, is compulsory.

Senator FORAKER. It is compulsory?

Mr. LAINÉ. Yes, sir; compulsory.

Senator FORAKER. Is that system prevalent and in operation throughout the territory occupied by the Cubans?

Mr. LAINÉ. Throughout all the territory occupied by the Cuban forces.

Senator FORAKER. Where do they get their school books?

Mr. LAINÉ. They print them in Cuba themselves.

Senator FORAKER. In Cuba?

Mr. LAINÉ. Yes, sir; in Cuba, in the printing offices of the government.

Senator FORAKER. Has the government printing offices?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. How many and where?

Mr. LAINÉ. They have one at Cubitas.

Senator FORAKER. Have they any other than that?

Mr. LAINÉ. I do not know of an official one, only that one.

Senator FORAKER. That is official?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Do I understand you to state that they have their public-school books?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Which are supplied under Government supervision and by Government direction?

Mr. LAINÉ. To the different prefectures.

Senator FORAKER. To the different prefectures?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. And by the prefects distributed?

Mr. LAINÉ. To the children.

Senator FORAKER. So, if I understand you, they have a system of collecting taxes, they have a postal system of the character described, and they have an educational system?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. All in operation?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. And this house of representatives is constantly in session, do I understand you to say?

Mr. LAINÉ. Yes, sir; in the town of Cubitas.

Senator FORAKER. The members of this house of representatives are elected by a direct vote of the people, as I understand you?

Mr. LAINÉ. Yes, sir.

Senator DANIEL. The council is the cabinet?

Mr. LAINÉ. The council.

Senator FORAKER. They have a president, a vice-president, and a cabinet or council?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. And the house of representatives elect them, as I understand you?

Mr. LAINÉ. Yes, sir; the elections take place every two years.

Senator FORAKER. Who was the first President of the present Republic of Cuba?

Mr. LAINÉ. Salvador y Betancourt.

Senator DANIEL. That last is his mother's name?

Mr. LAINÉ. Yes, sir; his mother's name. In Cuba, and in Spain also, they always take the mother's and father's name to distinguish from cousins and others who may have the same name.

Senator FORAKER. Did you know him?

Mr. LAINÉ. I have seen him, but I do not know him personally!

Senator FORAKER. Do you know what his reputation is as a man's character?

Mr. LAINÉ. He is a man who belonged to a very good Cuban family. He has a title, Marquis Santa Lucia. He does not use his title.

Senator FORAKER. He does not use that title?

Mr. LAINÉ. He does not use that title.

Senator FORAKER. Is he an educated man?

Mr. LAINÉ. Yes, sir; he is an educated man. He was educated in this country and in England.

Senator FORAKER. He is a man of prominence in Cuba?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. He was president for two years?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. Who is the present president?

Mr. LAINÉ. Bartolomé Masó.

Senator FORAKER. Do you know what his reputation is and what character of man he is in Cuba?

Mr. LAINÉ. He has been the only man I have known the Spaniards to speak in high terms of, because he was a man who had large business interests in Cuba—sugar interests. He was in the secrets of the coming revolution, and a few days before the revolution broke out he called all his creditors and paid them cash for his outstanding debts.

Senator FORAKER. And then went into the army?

Mr. LAINÉ. And then went into the army.

Senator FORAKER. Is he an educated man?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. I call your attention to a short biographical sketch of him found in Senate Document No. 129, Fifty-fifth Congress, second session, at page 7. I will ask you to look at it and state whether that is a correct account of him, so far as you know?

Mr. LAINÉ (examining the document as indicated). It says here:

On the 24th of February, 1895, he settled his business affairs, paid his obligations even to the last penny, and with a tranquil conscience went to the field.

This is the thing, so well known, that impressed the Spaniards, of which I spoke a moment ago, about the honesty of the man.

Senator FORAKER. The question I ask you is whether the sketch as there given is correct?

Mr. LAINÉ. Yes, sir; to my knowledge it is correct.

Senator FORAKER. I wish you would also read the sketch immediately following of Dr. Domingo Mendez Capote, the vice-president of the Republic, and state whether or not it is correct, so that we may have before us some account of these officials.

Mr. LAINÉ (examining the document as indicated). Well, being acquainted with Mr. Domingo Mendez Capote I can say that all that is here stated is perfectly correct.

Senator FORAKER. He is a man of respectability, then, and of position, and was before the insurrection?

Mr. LAINÉ. That is proved by the positions which he held in Havana in foreign as well as in Spanish companies—corporations.

Senator DANIEL. Do you say that you knew him?

Mr. LAINÉ. Yes, sir.

Senator DANIEL. Did you state that you went to school with him?

Mr. LAINÉ. No; but I knew him very well in Havana. He was a man very well known by everybody by the positions he held.

Senator FORAKER. Here is a short biographical sketch of at least some members of the cabinet. Here is a sketch of Col. Ernesto Font y Sterling, secretary of the treasury.

Mr. LAINÉ. I know him very well.

Senator FORAKER. Please look at the biographical sketches of the members of the cabinet that follow in the same document and state whether or not they are correct. You can just glance through them and answer, so far as you know.

Mr. LAINÉ. Col. Ernesto Font y Sterling is a young man with whom I have been very well acquainted. I have known him very well for many years. He is an intimate friend. He is the secretary of the treasury of the Cuban Republic. He comes of an aristocratic Cuban family of lawyers. They have all been lawyers in that family. He has two brothers who are practicing law in Havana, one holding a Spanish Government position. His brother Carlos holds a government position under the new autonomist government.

Senator FORAKER. Then follows a sketch of Brigadier Jose B. Aleman, the secretary of war.

Mr. LAINÉ. I know his general reputation, but I am not personally acquainted with him.

Senator FORAKER. The sketch is in accord with his general reputation?

Mr. LAINÉ. Yes, sir.

Senator FORAKER. The next sketch is that of Andres Moreno de la Torre, secretary of foreign relations.

Mr. LAINÉ. I am personally acquainted with him, and know this sketch to be correct.

Senator FORAKER. The next is Dr. Manuel Ramón Silva, secretary of the interior. Are you personally acquainted with him?

Mr. LAINÉ. No, sir; I am not personally acquainted with him.

Senator FORAKER. Do you know his reputation?

Mr. LAINÉ. I know but little about him, sir.

Senator FORAKER. Can you tell us whether all these officials, the president, vice-president, and members of the cabinet, are white men?

Mr. LAINÉ. Yes, sir; they are all white men. They are all white men, belonging to the best Cuban families.

Senator FORAKER. We are much obliged to you, Mr. Lainé, for your attendance here.

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#### STATEMENT OF BENJAMIN J. GUERRA, APRIL 8, 1898.

BENJAMIN J. GUERRA, being duly sworn, testified as follows:

Senator FORAKER. Please state your age and residence.

Mr. GUERRA. Forty-two years; residence, 104 West Sixty-first street, New York City.

Senator FORAKER. What is your occupation?

Mr. GUERRA. Merchant.

Senator FORAKER. What kind of a merchant?

Mr. GUERRA. I am a cigar manufacturer.

Senator FORAKER. To what extent have you engaged in the business of manufacturing cigars?

Mr. GUERRA. I have a cigar factory in Tampa, Fla., and one in Key West, Fla.

Senator FORAKER. Do you put your own product on the market?

Mr. GUERRA. Yes, sir; I have business relations in all the States of the Union.

Senator FORAKER. Of what nationality are you?

Mr. GUERRA. Cuban.

Senator FORAKER. You have resided in Cuba?

Mr. GUERRA. Yes, sir; all of my life until the year 1878.

Senator FORAKER. Where have you resided since then?

Mr. GUERRA. In New York City.

Senator FORAKER. Do you now hold any official relation to the Republic of Cuba? And if so, state what it is.

Mr. GUERRA. Yes, sir; I am the treasurer of the Cuban delegation.

Senator FORAKER. What do you mean by that term? What is the Cuban delegation and where is it located?

Mr. GUERRA. It is the representation of the Cuban Government in the United States.

Senator FORAKER. Who constitute that delegation?

Mr. GUERRA. Mr. Thomas Estrada Palma, Dr. Joaquin Castillo, sub-delegate; Antonio Gonzalez Lanuza, secretary, and myself, treasurer.

Senator FORAKER. There are four of you, then, in all?

Mr. GUERRA. Four in all.

Senator FORAKER. Are there any other official representatives of the Republic of Cuba in the United States?

Mr. GUERRA. Goncalo de Quesada, who is the chargé d'affaires at Washington.

Senator FORAKER. And anyone else?

Mr. GUERRA. Mr. Diaz Albertini, secretary of legation.

Senator FORAKER. By whom were you appointed to your present position, and have you any evidence of your appointment?

Mr. GUERRA. I was appointed by the President of the Republic of Cuba.

Senator FORAKER. With the approval of his cabinet?

Mr. GUERRA. With the approval of his cabinet.

Senator FORAKER. Have you the evidence of that appointment?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Will you produce it and allow it to be copied into the record?

Mr. GUERRA. Yes [producing a paper]. I have it and now produce it. It is in Spanish. I will have it translated and a copy of it furnished for the record.

The paper was thereupon translated by Mr. Quesada and submitted as follows:

[There is a seal which says,  
"Republic of Cuba. Chancery.  
Secretary of the Government."]

"JOSÉ CLEMENTE VIVANCO,

*"Sec'y of the Government Council and*

*"Chancellor of the Republic of Cuba.*

"I certify that on page two hundred and twenty-four of volume second of the minutes of the sessions of this council there is copied the following resolution, adopted by the council on the 6th of January: 'On motion of the secretary of foreign relations, it is resolved to appoint Citizen Benjamin J. Guerra treasurer of the plenipotentiary delegation abroad.'

“And at the request of the secretary of foreign relations I issued the present certificate. Country and liberty in the free town of Santa Lucia on the 28th of June, 1897.

“JOSÉ CLEMENTE VIVANCO.

[There is a seal: Republic of Cuba, Presidency.]

“Approved.

(Signed) “SALVADOR CISNEROS,  
“The President.”

Senator FORAKER. Do you know whether the Republic of Cuba has issued any bonds at any time since its organization until the present?

Mr. GUERRA. Yes, sir.

Senator FORAKER. And if so, to what amount in money?

Mr. GUERRA. By the authority and direction of the Government of the Republic of Cuba, Mr. Estrada Palma and myself have caused to be printed bonds to the amount of \$3,145,600.

Senator FORAKER. Who authorized the printing of those bonds?

Mr. GUERRA. The Government of the Republic of Cuba.

Senator FORAKER. Have you the authority of which you speak, that was given by the Government of the Republic of Cuba to yourself and Mr. Palma to issue those bonds?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Will you produce it and allow it to be copied into the record?

Mr. GUERRA. Yes, sir; here it is [producing a paper].

Senator FORAKER. I will have a copy of it made for the record.

The paper referred to is as follows:

“REPUBLIC OF CUBA, PROVISIONAL GOVERNMENT.

“I, Salvador Cisneros y Betancourt, President of the Republic of Cuba, to all whom these presents may come, greeting:

“By virtue of the powers which have been conferred upon me by the constituent assembly, under date of the 18th of September, 1895, I hereby confer upon citizen Tomas Estrada Palma, delegate plenipotentiary of the Government of the Republic, the following powers:

“First. That personally, or by means of delegates, he represent the Republic of Cuba before the Government and people of all nations to which he may deem convenient to name a representative, giving him the powers he may deem adequate.

“Second. That he may contract one or more loans, to use the money in the service of the Republic, guaranteeing said loans with all the properties and public income, internal or of the customs, present and future, of the said Republic; issuing bonds, registered or to bearer, to the amount he may deem necessary, payable both as to interest and place of payment as he may deem convenient, hereby empowering him to fix the denominations, the rate of interest, conditions of payment of capital and interest, as he may deem most favorable, and to place said bonds on the most advantageous terms, and to pledge them.

“Third. To issue paper money in the name of the Republic of Cuba to the amount he may consider necessary, in the form and on conditions he may deem most adequate.

“Fourth. To issue postage stamps of the denominations he may judge convenient for the service of the Republic.

“Fifth. The bonds to be issued as well as the bills shall be signed by the delegate plenipotentiary or the person whom he shall delegate

and by the treasurer of the 'Cuban Revolutionary Party,' and shall bear the seals and countermarks which the delegate believes necessary to avoid counterfeits.

"Sixth. (Relates to appointment of sub-delegate, who shall act in case of death or disability of delegate.)

"Seventh. (Authorizes substitution of power in whole or in part and authorizes appointment of employees.)

"Eighth. The delegate may receive, collect, and invest the funds which from any source whatever may come into his hands, doing so in the form which he may judge most favorable to the interests of the Republic, as well as the power to make concessions and celebrate in the name of the Republic all the agreements and contracts, which he may deem beneficial to the interests thereof, which from now on are declared ratified by the Government he represents.

"Given in Anton under my signature and that of the secretary of foreign relations and the treasury, the 21st day of November, one thousand eight hundred and ninety-five.

"SALVADOR CISNEROS Y B.,  
"The President.

"SEVERO PINA,  
"The Secretary of the Treasury and  
of Foreign Relations ad interim."

STATE OF NEW YORK,  
City and County of New York, ss:

Leopoldo de Arrastia, being duly sworn, deposes and says:

That he is a notary public in and for the city and county of New York. That he is well acquainted with the English and Spanish languages and has often been employed as sworn translator from the Spanish into the English language, and that he is fully proficient to act as such.

That the above is a correct and accurate translation of the power of attorney given by the Government of the Republic of Cuba to Tomas Estrada Palma, under date of the 21st of November, 1895.

LEOPOLDO DE ARRASTIA.

Sworn to before me this 19th of March, 1896.

[SEAL.]

LEON J. BENOIT,  
Notary Public (377), New York County.

Senator FORAKER. Can you tell us to what extent the bonds which you say have been printed under this authority have been disposed of?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Tell us in detail what has become of them—where they are now, if you know?

Mr. GUERRA. We have sold for cash, to several people, as per the book I present here to you (producing a record book), \$94,050, and we have disposed of for merchandise, \$28,350, which makes a total of bonds disposed of of \$122,400.

Senator FORAKER. Have you any record of the bonds that you have disposed of for cash and merchandise?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Where is that record?

Mr. GUERRA. Here it is [indicating the record book].

Senator FORAKER. You refer to a book which you have before you?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What is the book? What is the name of it?

Mr. GUERRA. Sale of Bonds.

Senator FORAKER. Does it contain a complete record of every bond that has been disposed of by you and Mr. Palma?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Please explain in detail what that record shows.

Mr. GUERRA. This book shows the date of the operation—

Senator FORAKER. Of the transaction?

Mr. GUERRA. Yes, of the transaction; number of the bonds that are sold, and then here [indicating] how many bonds; then denomination; then marks—

Senator FORAKER. By denomination you mean what amount the bond is?

Mr. GUERRA. Yes, sir; what amount.

Senator FORAKER. What do you mean by marks of the bond?

Mr. GUERRA. Marks by which we can identify them. Then rate at which the bond has been sold; the name of the buyer, street and number of his residence, city, and State. Here [indicating] are incidental remarks; amount; face value of the bond, and net realized.

Senator FORAKER. That is, the amount of the whole number of bonds sold in one transaction?

Mr. GUERRA. Yes, sir; in each transaction.

Senator FORAKER. Have you any objection to allowing this record to be copied?

Mr. GUERRA. No, sir; but most of it is in Spanish, except the names of Americans and their residence.

Senator FORAKER (examining record book). I observe that there are a little more than twelve closely written pages in this record book. On that account I will not take the trouble to have a complete copy of the record made, but I should be glad to have a quotation from this book running all the way through the record, showing one of these transactions, simply as a sample of the record that has been kept. I will call your attention to an entry dated May 26, 1896, on page 4. The one I indicate to you I ask you to read that it may be incorporated in the record.

Mr. GUERRA. (Reading.) Year, 1896; May 26; marks 18 to 37; twenty bonds of \$100 each; marks 18 to 20, 21 to 25, 26 to 37; rate, 50 per cent; name of the buyer, A. Y. Gray, Rutland County, Middletown Springs, Vt., care of L. and A. Y. Gray, Middletown Springs Bank and Phoenix National Bank of New York; face value, \$2,000; net realized, \$1,000.

Senator FORAKER. Please state what rates were realized as shown by this record for the bonds which you have sold?

Mr. GUERRA. The different rates?

Senator FORAKER. Yes. What is the highest rate you have realized?

Mr. GUERRA. Par.

Senator FORAKER. How many of those bonds have you sold at par?

Mr. GUERRA. Some six or eight have sold for par. There are some at 62½.

Senator FORAKER. And they have sold at prices ranging all the way down from par to what as the lowest?

Mr. GUERRA. The lowest is 20 per cent. Some at 62½; some at 50; some at 75; some at 61; some at 80; some at 60, and others at 50 and 40, and of late, by order of the Government, we are not selling them at less than 40 per cent.

Senator FORAKER. Can you state without much trouble how many you have sold at 25 per cent?

Mr. GUERRA (examining record book). There are sixteen entries here at 25 per cent.



Senator FORAKER. What is the aggregate amount of the bonds of face value sold at 25 per cent in those sixteen transactions?

Mr. GUERRA. Thirteen thousand dollars.

Senator FORAKER. Give the date when those bonds were sold at 25 cents on the dollar, as shown by this record.

Mr. GUERRA. From September 12, 1896, to November 4 of the same year.

Senator FORAKER. What is the next entry there?

Mr. GUERRA. November 11, 1896.

Senator FORAKER. Run that entry through. What is it?

Mr. GUERRA (reading). November 11; No. 104; one bond of \$100; mark 69,618; par; bought by Mr. Joaquin Fortune, of Jacksonville, Fla.; \$100 face value; \$100 net realized.

Senator FORAKER. Have you sold any bonds at 25 cents on the dollar since November 4, 1896?

Mr. GUERRA. Yes, sir; on January 13, 1897, I sold one for that amount.

Senator FORAKER. What prices have you realized usually since November, 1896, as shown by this record?

Mr. GUERRA. From 40 per cent up.

Senator FORAKER. So far as this record discloses, you have not made any sale since then for less than 40 cents on the dollar?

Mr. GUERRA. No, sir.

Senator FORAKER. This record, as I understand you, shows all the bonds that have been disposed of for either cash or merchandise?

Mr. GUERRA. For cash only.

Senator FORAKER. Is there a record of the bonds disposed of for merchandise?

Mr. GUERRA (producing a record book). Yes, sir; here is a book that shows all of the bonds that have gone out of my hands for which no cash has entered into the treasury.

Senator FORAKER. Is this a complete record for every such bond?

Mr. GUERRA. Yes, sir; of every such one.

Senator FORAKER. You have now accounted for bonds to the amount of \$122,400, of which you have a record. Where are the rest of the bonds that were printed?

Mr. GUERRA. One million of those bonds is deposited in the safes of Messrs. August Belmont & Co.

Senator FORAKER. To whom do those bonds belong that are deposited with August Belmont & Co.?

Mr. GUERRA. To the Republic of Cuba, and the balance is in my possession.

Senator FORAKER. As treasurer?

Mr. GUERRA. As treasurer.

Senator FORAKER. Do any person or persons or any syndicate of any kind own or have any lien or claim upon any of the bonds that are still either in your possession or in the possession of August Belmont & Co.

Mr. GUERRA. No, sir.

Senator FORAKER. Are they the sole property of the Republic of Cuba?

Mr. GUERRA. They are.

Senator FORAKER. It has been stated in conversation, and possibly in the newspapers, that recently, in the city of New York, someone was offered \$50,000 in bonds of the Republic of Cuba as a consideration for coming to New York and rendering some kind of political service. State whether there is any truth in such a statement.

Mr. GUERRA. I do not believe there is any truth in that, because nobody from the Cuban delegation has done it, and I do not think anybody has \$50,000 of these bonds that can be offered.

Senator FORAKER. Would anyone, except Palma, Castillo, Lanuza, and yourself have authority to make such an offer on behalf of the Republic of Cuba?

Mr. GUERRA. Nobody else.

Senator FORAKER. Have any other bonds than those you have described ever been issued by the Republic of Cuba or authorized by the Republic of Cuba?

Mr. GUERRA. No other ones.

Senator FORAKER. Have any person or persons other than your delegation any authority to deal in the bonds of the Republic of Cuba?

Mr. GUERRA. No, sir.

Senator FORAKER. Then, as I understand you, the total amount of bonds that have been issued by the Republic of Cuba and outstanding is \$122,400?

Mr. GUERRA. Yes, sir; that is all that have been sold.

Senator FORAKER. And all the remainder of the bonds are still in your possession?

Mr. GUERRA. They are all in my possession.

Senator FORAKER. Another story has been circulated to the effect that someone here in the city of Washington has been offered \$3,000,000 of these bonds as a consideration for rendering some kind of political service, the kind of service not specified. Is there any truth in that story?

Mr. GUERRA. I do not believe there is any truth in it.

Senator FORAKER. Did anyone connected with your delegation make any such offer?

Mr. GUERRA. No, sir.

Senator FORAKER. Or have any authority to make any such offer?

Mr. GUERRA. No, sir; nobody has any authority to do it.

Senator FORAKER. In the House of Representatives, yesterday, Mr. Grosvenor, of Ohio, made the following statement, replying to Mr. Lentz, who had spoken on the Cuban question:

"Now, Mr. Speaker, let us see how this situation stands. The gentleman is greatly worried about bonds, and he read the name of John J. McCook in one of his raids this afternoon.

"Who is John J. McCook? Whom does he represent? What is he here for? How do he and the gentleman from Ohio stand with reference to this? I will show you that they are parties in a great conspiracy; one wittingly so, the other, I trust, ignorantly so. Who is John J. McCook? He is the legal representative of the Cuban Junta, of New York, behind which stands four hundred millions, more or less, of bonds that can be validated by the recognition of the independence of Cuba by the United States, and they will be destroyed by a policy that drives Spain out of Cuba in the interest of the American people."

Do you know John J. McCook, who is referred to here?

Mr. GUERRA. I do not know him personally.

Senator FORAKER. Has he any relation, official or otherwise, to your delegation?

Mr. GUERRA. Not to my knowledge.

Senator FORAKER. Has he any relation to the Government of the Republic of Cuba, official or otherwise?

Mr. GUERRA. Not to my knowledge.

Senator FORAKER. Does he have any relation whatever to the bonds

that have been issued by the Republic of Cuba, concerning which you have testified?

Mr. GUERRA. None whatever.

Senator FORAKER. Do you know of any issue of \$400,000,000 of bonds, more or less, by the Republic of Cuba?

Mr. GUERRA. I know nothing about it, and I do not think there has been any issued except those that I have described.

Senator FORAKER. Do you know anything about the syndicate and the bonds that are referred to by General Grosvenor in the remarks I have quoted?

Mr. GUERRA. No, sir.

Senator FORAKER. General Grosvenor further says in these same remarks:

"I will tell you who John J. McCook is. John J. McCook represents an interest running up into the hundreds of millions of dollars, and if he could get the United States to make a recognition of the independence of Cuba and then fight to establish it by the United States, at the cost of a thousand million dollars, the holders of these bogus bonds will realize \$400,000,000 and collect the money. That is where the bonds come in."

I understand you to say there are no such issues of bonds?

Mr. GUERRA. I know there are not.

Senator FORAKER. Has the question of bonds or the validation of bonds anything whatever to do with the question of the recognition of the independence of Cuba or with the recognition of the Republic of Cuba as the government of Cuba?

Mr. GUERRA. None that I know. There were some gentlemen calling on me in my office a few days ago and asking me what we would take for ten millions of bonds.

Senator FORAKER. Did they say they wanted to buy?

Mr. GUERRA. Yes, sir. After consulting with Mr. Palma, I told him that the lowest price we could make them was 40 per cent. Then he made us an offer of 20 cents on the dollar, a cash offer, for the ten million—to give us two million for the ten million—which we refused.

Senator FORAKER. Are there any negotiations pending between your delegation as the representatives of the Republic of Cuba, and any person or persons for the sale of any bonds at this time?

Mr. GUERRA. Not to my knowledge.

Senator FORAKER. You are in such a relation to this whole matter that you would know about it if there were any such negotiations?

Mr. GUERRA. Yes, sir; the bonds have to pass through my hands; I have to sign the bonds.

The CHAIRMAN. Can you say that no such negotiations are being made?

Mr. GUERRA. None with my intervention.

Senator FORAKER. We want an answer that is not equivocal. State whether or not any such negotiations are pending.

Mr. GUERRA. I think there are not.

Senator FORAKER. If there are, you have no knowledge of them?

Mr. GUERRA. I have no knowledge of them at all.

Senator FORAKER. Could they be issued without your knowing about it and signing them?

Mr. GUERRA. They could not.

Senator FORAKER. I mean any large transactions.

Mr. GUERRA. The bonds could not be issued without my signature.

Senator FORAKER. What did you do with the cash realized from

these bonds? I do not want an answer in detail, but just state it generally.

Mr. GUERRA. We employed it in the furtherance of the cause of Cuba in the revolution.

Senator FORAKER. Was all the money appropriated in that behalf which was realized from the sale of these bonds?

Mr. GUERRA. Yes, sir.

Senator FORAKER. How has the money necessary to carry on the war the insurgents have been making in Cuba been raised?

Mr. GUERRA. It has been contributed mostly by the Cubans. \$472,617.42 have been received by me as treasurer of the Republic of Cuba from taxes paid by plantations in Cuba to the department of the treasury of the Cuban Republic.

Senator FORAKER. Are the taxes that are collected in Cuba by the Republic of Cuba sent to you?

Mr. GUERRA. Yes, sir.

Senator FORAKER. After collection?

Mr. GUERRA. Yes, sir.

Senator FORAKER. And you have received from taxes collected in Cuba the amount you have named?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Over \$400,000?

Mr. GUERRA. Yes, sir.

Senator FORAKER. How was that money expended; for the Cuban cause, or otherwise?

Mr. GUERRA. It was expended for the Cuban cause.

Senator FORAKER. Can you tell us what kind of a system of collecting taxes they have in Cuba?

Mr. GUERRA. Yes, sir. They have the department of the treasury organized. The secretary of the treasury is the head. In every one of the States there is what they call a ministrator of taxes, which corresponds to our collector of customs.

Senator FORAKER. What system of levying taxes has the Republic of Cuba in force there? You have told us of the official who does the collecting. What is the system?

Mr. GUERRA. The system on the sugar plantations is so much per bag of sugar produced. Sometimes it has been 40 cents, and in other years it has been 25 cents per bag. The Government imposed a war tax of 2 per cent on the value given to the plantations in the year 1894.

Senator FORAKER. Upon the value as given in 1894?

Mr. GUERRA. As given in 1894.

Senator FORAKER. When you say the Government you mean the Republic of Cuba?

Mr. GUERRA. The Republic of Cuba.

Senator FORAKER. Is that tax system uniform in its operation throughout the island?

Mr. GUERRA. Yes, sir.

Senator FORAKER. That is, every man is taxed alike, according to the same principle?

Mr. GUERRA. Yes, sir.

Senator FORAKER. And is this system enforced throughout the island?

Mr. GUERRA. It is.

Senator FORAKER. Have you tax collectors in all of the different States?

Mr. GUERRA. Yes, sir.

The CHAIRMAN. Is that done by virtue of a statute of the Cuban congress?

Mr. GUERRA. Yes, sir.

The CHAIRMAN. And not by a military regulation?

Mr. GUERRA. Not military at all; the army has nothing to do with it.

Senator FORAKER. Who appoints the tax collectors—the military or the civil government?

Mr. GUERRA. The civil government.

Senator FORAKER. Has that civil government, the Republic of Cuba, any other branch of government in operation except this fiscal branch of which you speak?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What?

Mr. GUERRA. They have the interior department.

Senator FORAKER. What does that do?

Mr. GUERRA. The head of the interior department is the secretary of the interior, but there are governors and prefects and subprefects in the different states and districts.

Senator FORAKER. Are those officials whom you mention holding office now?

Mr. GUERRA. They are.

Senator FORAKER. In what way do they get their offices—by election or appointment?

Mr. GUERRA. By appointment.

Senator FORAKER. Who appoints them?

Mr. GUERRA. The President of the Republic.

Senator FORAKER. You say that they are appointed throughout the island?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What is a prefect? What are his duties?

Mr. GUERRA. A prefect is a kind of a mayor of the district.

Senator FORAKER. Have you any other branch of the Government in operation?

Mr. GUERRA. The department of war.

Senator FORAKER. Aside from that? I will speak of that presently.

Mr. GUERRA. Well, the civil, I mean the interior department, assumes the post-office department.

Senator FORAKER. Has the Republic of Cuba a postal system?

Mr. GUERRA. Yes, sir.

Senator FORAKER. In operation?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What is the nature of that system? How do they transport the mails?

Mr. GUERRA. They have post-houses in all the towns—the small towns—and they transmit the mails by horses—by couriers.

Senator FORAKER. Have they any postage stamps such as we have in this country?

Mr. GUERRA. Yes, sir; they have 2-cent, 5-cent, and 10-cent postage stamps.

Senator FORAKER. Have you any of those with you—

Mr. GUERRA. Yes, sir.

Senator FORAKER. That you could show as a sample?

Mr. GUERRA (producing a stamped envelope). Here is a letter addressed to me with two stamps on it, from Camaguey district, in Cuba.

Senator FORAKER. Will you allow us to put that envelope in the record as an exhibit.

Mr. GUERRA. Yes, sir.  
 Senator FORAKER. I ask that it be attached as a part of Mr. Guerra's evidence.

The envelope referred to is, in fac simile, as follows:



Senator FORAKER. How is it as to an educational system? Have they any?

Mr. GUERRA. Yes, sir; they have schools. That is also under the interior department.

Senator FORAKER. What is the system of education?

Mr. GUERRA. They have primary schools. They have some teaching books that have been printed there in our presses in Cuba.

Senator FORAKER. Do I understand you to say that the Government of the Republic of Cuba has a printing office?

Mr. GUERRA. Yes, sir; they have. There are several newspapers printed there.

Senator FORAKER. Does the Government prescribe the books that shall be used in the schools?

Mr. GUERRA. Yes, sir. It appoints the teachers, the inspectors.

Senator FORAKER. Does the Government print the school books?

Mr. GUERRA. They print the school books—the primary books. We could, perhaps, supply the committee with some.

Senator FORAKER. How are those books distributed, by the Government?

Mr. GUERRA. By the Government.

Senator FORAKER. Is the attendance of children at school optional?

Mr. GUERRA. Compulsory.

Senator FORAKER. It is compulsory?

Mr. GUERRA. Yes, sir.

Senator FORAKER. All children in Cuba, then, under the Government of the Republic of Cuba, are required to attend school?

Mr. GUERRA. Yes, sir.

Senator FORAKER. And are required to be taught in the primary branches, for which the Government furnishes the books?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What kind of a judicial system have they in Cuba, under the Republic of Cuba, if you know?

Mr. GUERRA. They have what they call the judiciary corps. That is attached to the army, though; it is a dependent of the war department. It is made so by the constitution.

Senator FORAKER. The constitution makes that provision?

Mr. GUERRA. Yes, sir; while the war lasts.

Senator FORAKER. Where is the capital of the Republic of Cuba located?

Mr. GUERRA. It is in the State of Camaguey, District of Cubitas. The town is called Agramonte.

Senator FORAKER. Is there a town named Cubitas also?

Mr. GUERRA. No, sir; Cubitas is the district where this town is.

Senator FORAKER. What is the population of Agramonte?

Mr. GUERRA. Agramonte may have about a thousand inhabitants.

Senator FORAKER. State whether the Republic of Cuba has at Agramonte, where its capital is located, any official Government buildings.

Mr. GUERRA. Yes, sir; there is one building for the President, and one for each of the departments of state, interior, treasury, and war.

Senator FORAKER. Are those buildings occupied for official business simply?

Mr. GUERRA. Yes, sir.

Senator FORAKER. What is the legislative body of the Republic of Cuba called? What is the name of it?

Mr. GUERRA. The council of government assumes the legislative faculties of the Government until every two years there is the constituent assembly to elect another President and another council body.

Senator FORAKER. The members of the constituent assembly are elected by a popular vote, I understand?

Mr. GUERRA. By the people; by popular vote.

Senator FORAKER. And then the constituent assembly thus elected chooses a President?

Mr. GUERRA. Yes, sir.

Senator FORAKER. And a Vice-President?

Mr. GUERRA. Yes, sir.

- Senator FORAKER. And a cabinet?
- Mr. GUERRA. And a cabinet.
- Senator FORAKER. And the President, Vice-President, and cabinet conduct the Government?
- Mr. GUERRA. Yes, sir. The assembly also elects a general in chief of the army.
- Senator FORAKER. Who is the President now of the Republic of Cuba?
- Mr. GUERRA. Bartolomé Masó.
- Senator FORAKER. Do you know him personally?
- Mr. GUERRA. Yes, sir.
- Senator FORAKER. Tell us what kind of a man he is as to character and reputation.
- Mr. GUERRA. He is a man of great character, known by his honesty and by his literary accomplishments.
- Senator FORAKER. Is he an educated, cultivated man?
- Mr. GUERRA. He is an educated man.
- Senator FORAKER. Where was he educated, if you know?
- Mr. GUERRA. In Cuba; at the University of Havana.
- Senator FORAKER. What is his business?
- Mr. GUERRA. He was a landowner in Cuba; he is a landowner.
- The CHAIRMAN. A man of large means?
- Mr. GUERRA. Yes, sir; of wealth.
- Senator FORAKER. Did he own plantations?
- Mr. GUERRA. He does own them.
- Senator FORAKER. Who is the vice-president?
- Mr. GUERRA. The vice-president is Dr. Mendez Capote.
- Senator FORAKER. How old a man is he?
- Mr. GUERRA. He must be about 45 years old.
- Senator FORAKER. What was his business before?
- Mr. GUERRA. He is a lawyer. He is a doctor in laws.
- Senator FORAKER. Was he connected with any university?
- Mr. GUERRA. The University of Havana.
- Senator FORAKER. In what capacity?
- Mr. GUERRA. He has been a professor in the University of Havana.
- Of the other members of the Government—
- Senator FORAKER. Yes; speak of them.
- Mr. GUERRA. There is the secretary of the interior, as we call him. He is a doctor, too—a doctor in medicine.
- The CHAIRMAN. A doctor of medicine?
- Mr. GUERRA. Yes, sir.
- The CHAIRMAN. Did he graduate in this country?
- Mr. GUERRA. He graduated in Havana.
- The CHAIRMAN. Well, the secretary of war.
- Mr. GUERRA. The secretary of war is General Aleman.
- The CHAIRMAN. Tell us briefly about him.
- Mr. GUERRA. He was a merchant there. He went into the revolution at the beginning and has been fighting until he was elected secretary of war. He is an educated man, also; a literary man.
- The CHAIRMAN. What was his business before?
- Mr. GUERRA. He was in business.
- The CHAIRMAN. A merchant?
- Mr. GUERRA. Yes; a merchant. The secretary of the treasury is Fonts y Sterling; he is a lawyer. He is a member of one of the most ancient and illustrious families in Cuba.
- The CHAIRMAN. A graduate of the university?



Mr. GUERRA. A graduate of Havana University.

The CHAIRMAN. What is his profession?

Mr. GUERRA. Law.

Senator FORAKER. Tell us briefly about the secretary of foreign relations. What was his business before he was appointed to that office?

Mr. GUERRA. Moreno de la Torre is a doctor in medicine, educated in Spain. He is a young man, known for his energy in all revolutionary affairs in Cuba. He is of a conservative temper, though. That is all I can say about him.

Senator FORAKER. To what extent has the Republic of Cuba governmental control of the Island of Cuba, I mean territorially?

Mr. GUERRA. The Government has control, full control, of all the rural districts of the central and eastern parts of the island.

Senator FORAKER. That would be all of Santiago de Cuba?

Mr. GUERRA. And Camaguey.

Senator FORAKER. Puerto Principe?

Mr. GUERRA. Yes; Puerto Principe. The Spanish call it Puerto Principe, and we call it Camaguey; and Santiago de Cuba Province outside of a few cities that are held by the Spanish Government.

Senator FORAKER. What proportion of the population of Cuba responds to your Government or shows it allegiance?

Mr. GUERRA. In my opinion, 80 per cent of the population of the island are friendly to the revolution.

Senator FORAKER. What is the population in the provinces of Santiago de Cuba and Camaguey, where you say the Republic of Cuba is in complete control?

Mr. GUERRA. The population is about half a million.

Senator FORAKER. Are the people in those provinces friendly and satisfied, apparently, with the Government of the Republic of Cuba?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Would or would not, in your opinion, the Government of the Republic of Cuba be able to administer satisfactorily the civil affairs of the Island of Cuba if they were let alone and allowed to discharge their functions of government without interference by the Spaniards?

Mr. GUERRA. I am positive that they would be able to do it satisfactorily.

The CHAIRMAN. State the extreme eastern limit in Cuba of the concentration of the inhabitants under Weyler's order.

Mr. GUERRA. The limit is the Jucaro-Moron trocha.

The CHAIRMAN. Is that trocha east or west of Havana?

Mr. GUERRA. That trocha is east of Havana.

The CHAIRMAN. That is the extreme eastern trocha?

Mr. GUERRA. That is the extreme eastern trocha.

The CHAIRMAN. East of that trocha is there any concentration at all?

Mr. GUERRA. No, there is no concentration east of that.

The CHAIRMAN. What provinces lie east of that trocha?

Mr. GUERRA. Camaguey and Santiago de Cuba.

Senator FORAKER. Can you give us the area in square miles of those two provinces?

Mr. GUERRA. It is more than half the island in territory—in superficial territory.

Senator FORAKER. To what extent is the Republic of Cuba in control in the outlying country districts in the other provinces of the island?

Mr. GUERRA. The Republic of Cuba is in control in about two-thirds of the rural districts.

Senator FORAKER. Outside of those two?

Mr. GUERRA. Outside of those two.

Senator FORAKER. They are in entire control in those two?

Mr. GUERRA. In entire control except those parts that are covered by the Spaniards.

The CHAIRMAN. Do you mean to say that in those portions you have just spoken of they collect taxes as you have previously stated?

Mr. GUERRA. Yes, sir.

The CHAIRMAN. What do you say as to schools in those portions?

Mr. GUERRA. There are less, if any, in those portions than in the others.

Senator FORAKER. Throughout the two provinces of which you have complete control you have your tax system and your school system and all these other functions of government in operation?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Without interruption?

Mr. GUERRA. Yes, sir.

Senator FORAKER. Is there any other school system than that which the Republic of Cuba provides in those two provinces?

Mr. GUERRA. There is the Spanish system in the cities—the larger cities.

Senator FORAKER. But I mean outside the cities?

Mr. GUERRA. No.

The CHAIRMAN. Previous to the establishment of this common-school system by the Republic, what common school system had Spain established?

Mr. GUERRA. A regular common-school system in the cities only; not in the rural districts.

The CHAIRMAN. A common-school system in the cities, but none whatever in the rural districts?

Mr. GUERRA. None.

The CHAIRMAN. As to the limits of concentration, I suppose that in the portions of Cuba which the Republic holds there is concentration in the cities which the Spanish happen to hold, is there not?

Mr. GUERRA. Yes; but almost all the country people are in the country in those districts.

The CHAIRMAN. Take Santiago de Cuba. Is there not concentration there?

Mr. GUERRA. I do not think there is much concentration in Santiago de Cuba, because in the beginning of the revolution all the country people went to the country, and the Spanish Government has no means of concentrating them there.

The CHAIRMAN. Would you be surprised to learn that the consular reports show that there is a great deal of concentration and death and misery there?

Mr. GUERRA. Those are the regular city people. I call it concentrating to bring those people who have always lived in the country to the cities and keep them there without any means, while if there is misery, on account of the war, among those people who have always lived in the city because they can not get any work or any supplies, I do not call that a concentration. There may be misery and all that among them, but they are not what we regularly call reconcentrados. We apply that term simply to country people, peasants, who have lived always by laboring in the soil and who have been brought by force to the cities and kept there. Those are what I call reconcentrados.

Senator FORAKER. You have told us who constitute the delegation and what other representatives of the Republic of Cuba there are in this country. You have also told us of various other officials who are conducting the Government of the Republic of Cuba. Can you tell us what salaries those officials receive for their services?

Mr. GUERRA. There is no Cuban in the service of the Republic who receives any salary.

Senator FORAKER. Do you mean to say that the President and Vice-President and cabinet, who are devoting all their time in the way you have indicated, receive no salaries?

Mr. GUERRA. They receive no salary.

Senator FORAKER. They receive no salary whatever?

Mr. GUERRA. No salary whatever.

Senator FORAKER. No official connected with the civil government receives any salary?

Mr. GUERRA. No official connected with the civil government receives any salary.

Senator FORAKER. How is it as to the army?

Mr. GUERRA. They receive no salary at all.

Senator FORAKER. Then no officer or soldier in the army of Gomez receives any salary?

Mr. GUERRA. No, sir; nor Gomez himself, either.

Senator FORAKER. How many soldiers has Gomez now in his command or under his command?

Mr. GUERRA. In my opinion, in the neighborhood of 35,000.

Senator FORAKER. Every man works simply for—

Mr. GUERRA. For patriotism.

Senator FORAKER. That is all. I am much obliged to you.

Mr. GUERRA. You are welcome, sir.

#### STATEMENT OF HON. FITZHUGH LEE, April 12, 1898.

Senator FRYE. General, you have just returned from Cuba?

Consul-General LEE. Yes, sir.

Senator FRYE. You sent to the State Department certain communications touching the ship *Maine*. Have you any information additional to that conveyed in those communications?

Consul-General LEE. I have not.

Senator FRYE. Have you any information in relation to torpedoes or anything of that kind in the harbor?

Consul-General LEE. I am informed on very good authority that they have placed within the last month two rows of torpedoes just at the mouth of the harbor by Morro Castle and the switch board is in a room in the Morro.

Senator FRYE. Had you any information as to the placing of any torpedoes before the *Maine* was destroyed?

Consul-General LEE. No, sir.

Senator FRYE. Have you any information in relation to purchases made abroad, or have any communications been made to you by reliable persons of purchases of torpedoes made abroad?

Consul-General LEE. No, sir.

Senator FRYE. Have you any reason to suppose that the harbor was mined at all before the blowing up of the *Maine*?

Consul-General LEE. No, sir. No; I had no reason to suspect anything of that sort up to that time.

Senator GRAY. But since then?

Senator FRYE. Have you since received any information which leads you to suppose that it was mined before the disaster?

Consul-General LEE. I have seen a letter, and probably you, gentlemen, have also seen it, published in one of the New York papers by a person named Laine, from General Weyler to Santos Guzman, a citizen of Havana, a very ultra Spaniard, in which General Weyler says that he went on with the placing of the mines in the harbor, which Martin Campos, his predecessor, should have done.

I saw afterwards that General Weyler pronounced the letter a forgery, but I happen to know of a telegram received from Weyler since, and this is the only reason I have to suspect that there were some mines there previous to the entrance of the *Maine* into the harbor. You have probably seen the letter which Laine published.

The CHAIRMAN. We have a copy of it on file.

Consul-General LEE. I see that Santos Guzman, under date of March 18, 1898, says to the editor of the Herald:

I have not received General Weyler's letter dated January 8, to which the New York Herald makes reference in its cablegram of yesterday addressed to me.

A Madrid dispatch further says:

General Weyler denies the authenticity of the letter published in New York yesterday in which the former Captain-General of Cuba is alleged to have said that the United States would not have dared to send a warship to Havana while he was in command there, as "they knew the terrible punishment that awaited them," adding that he had Havana Harbor "well prepared for such an emergency," having "rapidly finished the work that Martinez Campos carelessly abandoned."

I knew Laine very well. He was expelled from the island about several weeks ago, but I always found him a very upright, honest, straight fellow; and when I saw that he had a copy of a letter from Weyler to Santos Guzman, of Havana, I thought the chances were that he had a copy of a genuine letter, and that the facts were as stated; so I put some machinery to work and I found this cablegram, which had never been given to the public in any way.

Eva Canel—

She is quite a noted Spanish woman there, who was a great admirer of General Weyler, during the mob and so on, the riots, hallooing "Viva la Weyler" and "Muera Blanco" (death to Blanco). General Blanco had her expelled from the island and sent to Mexico.

Eva Canel and Santos Guzman—

Which is the very one that Laine refers to in his letter. This is in Spanish, but the translation is as follows:

Grave circumstances cause me to ask you to destroy the last letter of February 18.

The CHAIRMAN. Signed by whom?

Consul-General LEE. Signed "Weyler."

The CHAIRMAN. Dated when?

Consul-General LEE. There is no date to the telegram I have here, but it says: "In consequence of the grave condition of affairs or circumstances ('make without effect' the Spanish is) destroy the last letter of date 18th February."

The CHAIRMAN. Whence does the telegram purport to have been sent?

Consul-General LEE. From Barcelona, I think.

The CHAIRMAN. Have you any doubt that is a genuine copy of a telegram from Weyler?

Consul-General LEE. I am satisfied it is a genuine copy of a telegram received in Havana.

The CHAIRMAN. From Weyler?

Consul-General LEE. From Weyler.

Senator FRYE. What is the date of the letter which Laine talks about?

Senator FORAKER. January 18, I believe.

Consul-General LEE. Laine's letter was dated in January, sometime.

Senator GRAY. January 8?

Consul-General LEE. January 8. This asks Santos Guzman, in consequence of grave circumstances which have arisen, to destroy his last letters of the 18th of February. This is simply rather confirmatory. If he had written to Guzman on the 8th of January, it makes this telegram that much more probable, and that he has also written to him after the 8th of January, and probably there was a very important letter on the 18th of February, which he wanted destroyed.

Senator MORGAN. A few days after the ship was destroyed?

Consul-General LEE. Yes, sir; the ship was destroyed on the 15th. I suppose the news reached Spain probably on the 16th, or something of that sort, and Weyler telegraphed right over.

Senator FRYE. Have you learned anything about any wire, such as is ordinarily used for torpedo service, ordered from Great Britain, or anywhere else?

Consul-General LEE. I saw a copy of a telegram from Admiral Matorolla in Havana, to the Spanish commission, as he put it, in London stating: "Hurry up electrical cables." Whether that referred to wire for submarine mines or torpedoes I do not know. I tried to ascertain if any of the wire or electrical cables had arrived there, but they came on Spanish ships and I could not find out. I have always had an idea about the *Maine* that, of course, it was not blown up by any private individual or by any private citizen, but it was blown up by some of the officers who had charge of the mines and electrical wires and torpedoes in the arsenal there who thoroughly understood their business, for it was done remarkably well.

I do not think General Blanco, the present Captain and Governor General of the Island of Cuba, had anything to do with it. I do not think he had any knowledge of it. I saw him just shortly after the occurrence. I was sitting in my room at the hotel and from the balcony of the hotel I could hear this. I heard the explosion and saw a great column of fire go up in the air. A few moments after ascertaining that it was the *Maine*, I went right down to the palace and I asked for General Blanco. He came in directly by himself. He had just heard it and was crying; tears were coming out of his eyes. He seemed to regret it as much as anybody I saw in Havana; but I think it came from some of the subaltern officers who had been there under Weyler, and who were probably anti-Blanco anyhow, and who had full knowledge of the business.

Senator FRYE. General, what have been the orders prevailing in Havana as to the sale of explosives of various kinds?

Consul-General LEE. I have never heard of any explosives being on sale there, or any orders about it one way or the other.

Senator FRYE. Would they permit explosives to be sold in the ordinary way?

Consul-General LEE. No, sir; I think not. They are very careful about that; so much so—

Senator FRYE. And have you been so for a long time?

Consul General LEE. Very; so much so that when Captain Sigsbee wanted to use a little dynamite for the purpose of getting the 10-inch guns from the *Maine*, they violently objected to it; they did not want him to have any dynamite. I do not think they would allow any private store in Havana to sell dynamite or any explosive materials of any kind.

Senator FRYE. Have you read the testimony taken by our naval board?

Consul-General LEE. I glanced at it. I have not read it over very carefully.

Senator FRYE. Were you present in Havana all the time when they were conducting their inquiry?

Consul-General LEE. Yes, sir.

Senator FRYE. Are you familiar with what was done and what was found?

Consul-General LEE. I am tolerably familiar with it. I knew nothing about the report of the board, of course, until it was published, although I saw the officers every day. I saw them sometimes in town, and I was on board ship almost every day. I do not suppose there was a day they were there that I did not see Sampson and Potter and Marix. You know courts of inquiry in the Navy are like courts-martial in the Army. The officers are sworn, and they do not tell anybody what the findings are.

Senator FRYE. From what you have observed and heard there, have you any doubt as to the explosion of the *Maine* having been from the outside?

Consul-General LEE. I am satisfied it was from the outside. I cabled to the State Department a few days after the board assembled that it was almost certain that the explosion took place from the outside. I got that from some of the divers and from Ensign Powelson, and people I happened to meet and talk to about it. I had some little drawings of the ship.

The CHAIRMAN. A moment ago you started to say something about a telegram from Admiral Manterolla respecting—

Consul-General LEE. It was a telegram to the Spanish commission in London to hurry up the electric cables.

The CHAIRMAN. What I want to know is, whether that was before or after the explosion?

Consul-General LEE. I had that telegram. I want to see if I can get the exact date of it. That statement about the Admiral is in my testimony before the board of inquiry. I thought I had a copy of that. I do not remember the date exactly. It was prior to the explosion of the *Maine*.

The CHAIRMAN. About how long prior?

Consul-General LEE. A very short while. You can find that telegram in my testimony before the board; and I think it is right to say that that testimony about the admiral telegraphing to London, and this dispatch I have just given out here from Weyler to Santos Guzman, were not sent to Congress and were not published, because I sent a telegram requesting the State Department not to do it, as I was afraid the Spanish papers there would republish it and they would probably kill the man that gave it to me, so to protect him I did not want that known at the time. I can get the exact date of it, however.

The CHAIRMAN. It is not material.

Consul-General LEE. They have the exact date of it at the State Department.

Senator GRAY. You gave it in your testimony before the board!

Consul-General LEE. Yes, sir.

Senator CLARK. But that is not printed. It was withheld at the General's request.

Consul-General LEE. At my request. I ought to state, in justice to the State Department, that I telegraphed the State Department asking them not to have the telegram published, or this one about Weyler, because I was afraid of getting my informant into trouble.

Senator FRYE. We can get that at the State Department, and I guess we had better do it.

Senator MORGAN. How long, or about how long, after the explosion was it that General Blanco called at your quarters that night?

Consul General LEE. Before he called at my quarters?

Senator MORGAN. Yes.

Consul-General LEE. You are not referring to my statement that I called at his palace the night of the explosion?

Senator MORGAN. Probably I am.

Consul-General LEE. That was the night of the explosion.

Senator MORGAN. Was that before you went down to the wharf?

Consul-General LEE. The palace is between my hotel and the harbor, and on my way to the harbor I stopped at the palace, about ten or fifteen minutes after the explosion—as soon as I could get down there in a carriage. I called by to see General Blanco.

Senator MORGAN. After you had heard the explosion how long was it before you reached the water's edge?

Consul-General LEE. Ten minutes afterwards I was in the palace, and I spent about five or ten minutes talking to General Blanco. He gave me an order to the admiral to give me one of the admiral's boats to take me right out into the harbor.

Senator MORGAN. When you got down to the water's edge did you see any electric lights burning?

Consul-General LEE. I did not notice that, but I have made inquiries since, and I have ascertained that no electric lights went out. I sent for electric-light men and gas men. Some gas jets went out in one or two places, caused by the shock or something, but I could not ascertain from these men that a single electric light went out.

Senator GRAY. Captain Sigsbee, in his testimony before the committee, said he was told, shortly after the explosion, by Admiral Manterola that the electric lights in Havana went out simultaneously with the explosion.

Senator FORAKER. In the vicinity of the harbor.

Senator GRAY. In the vicinity of the harbor. Mr. Laine, who has been before the committee, and who made a very good impression upon us—it corresponds with what you say of him—says he was in the park opposite, or near the Hotel Inglaterra, looking toward the water with another correspondent, and that immediately upon the explosion they took a cab and drove to the water front, about 500 yards away, and when he got there he did notice that the electric light on a tall pole at the gate as he went in and smaller ones at the water front to the number of a dozen or more were out.

Consul-General LEE. I did not notice that at all, but I called up the two electric-light men. One of them is a good friend of mine, Carbonel, and then he sent for the person who has charge of the electric lights in Havana, and I had a talk with him. He came to my office. He said he had not heard of any such thing. I said, "I want to know with certainty." He said, "I will go all around and make inquiries, if you

please." He was gone but an hour or two in a cab, and came back and said that with the exception of one electric light at a place called Geşus del Monte, right near the harbor, and one other place he mentioned, one place not very far from the harbor, where he thought perhaps the lights might have gone out by the shock, no other electric lights went out.

Senator MORGAN. Could you feel the jar of the explosion at the hotel?

Consul-General LEE. No, sir; I was in my room at the hotel.

Senator FRYE. I wish to ask one more question in regard to the *Maine*, and then I shall be through, so far as that is concerned. Have you heard since the explosion of the *Maine* any expression by Spanish officers in relation to it, indicating their pleasure at the fact?

Consul-General LEE. I heard, two or three days afterwards, from various persons who came in, that there was a good deal of rejoicing among some of the officers. Every report I always got said they were drinking champagne, quite a thing to do in honor of the event, and in different portions of the city officers were making merry. I attributed it to the fact that what they considered almost an enemy's battle ship had been blown up, and it was that much in their favor.

Senator MORGAN. Before the explosion, had you heard any threats of or allusions to the destruction of the *Maine*?

Consul-General LEE. No, sir.

Senator LODGE. General, did you hear anything of an attempt on the *Montgomery*?

Consul-General LEE. I heard that there was something of that sort one evening, but I believe upon investigation it was found that it did not amount to anything.

Senator FRYE. I have asked all I desire to ask about the *Maine*.

The CHAIRMAN. Does any member of the committee wish to ask any questions.

Senator FORAKER. You think that no novice could have destroyed the *Maine*.

Consul-General LEE. Oh, no, sir. The man who did that work was an officer thoroughly acquainted with explosives of all sorts and who knew all about it. It was very well done.

Senator FORAKER. A man who had expert knowledge, necessarily?

Consul-General LEE. Yes, sir.

Senator CLARK. And who must have had knowledge of the location of the torpedo?

Consul-General LEE. Yes. I never have been certain that the submarine mine was placed there prior to the entrance of the *Maine* into the harbor. It might have been done afterwards. The *Maine* was anchored to a buoy by some little chain. A vessel swinging around that way sometimes gets at various places all around the circle. When she would swing off that way, with the bow next to the buoy, and these boats plying about the harbor all the time, anybody could go pretty well in front of her on a dark night and drop one of these submarine mines of 500 pounds. They have fingers, as it were, and as the boat goes around it would touch the finger, which makes contact and explodes the mine. That might have been done after the *Maine* got in there.

Senator CULLOM. And not be discovered?

Consul-General LEE. Yes, sir; one or two men rowing quietly in a boat could drop it off the stern of the boat on a dark night, though Sigsbee had his patrols out—I do not know what they call them on men



of war; sentinels. Still, it might not have been discovered. A boat would not have been noticed, because boats go there always.

Senator CULLOM. Day and night?

Consul-General LEE. Yes, sir; to a late hour of the night. The harbor is full of these little boats. A mine weighs about 500 pounds, and I suppose it would take two or three men—one man to row and probably three or four to handle the mine.

Senator CULLOM. Containing 500 pounds of gun cotton?

Senator LODGE. And the casing.

Senator CULLOM. And the casing, which weighs something more.

Senator GRAY. What is the population of Havana?

Consul-General LEE. About 250,000.

Senator GRAY. Of what is that composed, so far as nationality and nativity are concerned?

Consul-General LEE. I suppose about equal parts of Cubans and Spaniards, now. I suppose one-fourth of the population, possibly, are negroes.

Senator GRAY. Is the Spanish proportion especially hostile to this country?

Consul-General LEE. No, sir; I do not think they are now. They were. But the Spanish portion are principally the merchants, commission merchants, shopkeepers, and all this agitation is affecting very much their business. A great many of them, whilst they give expression to great loyalty, are really annexationists, because they think it is the only way out of the trouble, and they would much prefer annexation to the United States to a Cuban republic, fearing that discriminations would be made against them in some way, and would rather trust to the United States than to the Cubans.

Senator GRAY. How as to the Cuban part of the population?

Consul-General LEE. They are generally all for free Cuba.

Senator CULLOM. What is the condition of the reconcentrados out in the country?

Consul-General LEE. Just as bad as in General Weyler's day. It has been relieved a good deal by supplies sent from the United States, but that has ceased now.

The CHAIRMAN. How about the Spaniards?

Consul-General LEE. General Blanco published a proclamation rescinding General Weyler's bando, as they call it there, but it has had no practical effect, for in the first place these people have no place to which to go; the houses have been burned down; there is nothing but the bare land there, and it takes them two months before they can raise the first crop. In the next place, they are afraid to go out from the lines of the towns, because the roving bands of Spanish guerrillas, as they are called, would kill them. So they stick right in at the edges of towns just like they did.

Senator CULLOM. With nothing to eat?

Consul-General LEE. Nothing in the world, except what they can get from charity; and I am afraid now they are in a dreadful condition, because all they had was the American relief, and that is stopped, you know. The Spanish have nothing to give.

Senator LODGE. General, what does this cessation of hostilities spoken of in the last few days amount to?

Consul-General LEE. Nothing; practically nothing—the armistice, you mean?

Senator LODGE. Yes; so called.

Consul-General LEE. It amounts to nothing.

Senator DANIEL. Do you know the conditions of it?

Consul-General LEE. I saw General Blanco's proclamation, which said the Queen Regent, at the request of his holiness, the Pope, had issued an armistice; but that is not worth the paper it is written on, because a truce or armistice between two contending forces requires the consent of both before it can be of any practical effect, and it will not have the consent of the insurgents.

Senator LODGE. What offer did he make to the insurgents?

Consul-General LEE. This occurred just about the time I left, and I do not know. I suppose he just relies upon that proclamation. He says the various Spanish officers in different parts of the island will see that it goes into effect.

Senator FRYE. Why do you say, General, that it will not receive any attention from the insurgent forces?

Consul-General LEE. Because every attempt so far to make terms or to make peace or to buy the insurgents or their leaders has met with signal failure; and whatever may be said about old General Gomez, he is, in my humble opinion, fighting that war in the only way it can be done—scattering his troops out—because to concentrate would be to starve, having no commissary train and no way to get supplies. They come in sometimes for the purpose of making some little raid, where he thinks it will do something; but he has given orders, so I have always been informed, not to fight, not to become engaged, not to lose their cartridges; and sometimes when he gets into a fight each man is ordered not to fire more than two cartridges.

When General Weyler was there he went out after him sometimes, and they would move up a column and fire, and sometimes the flank of the column, and the Spanish soldiers would deploy and throw out skirmishers, and the Cubans, like Indians, would go into the woods, valleys, and mountain sides, and scatter out, and wait until the Spanish troops were gone. Then the Spanish troops would countermarch and go back to town, 3 men killed and 10 or 12 wounded.

Senator CLARK. You think the insurgents would not accept any such terms?

Consul-General LEE. No, sir; I do not think it would be safe for any Spanish officer to go out under a flag of truce. They could not buy the insurgents. Every time they went out to buy them they killed them.

Senator MILLS. How much provisions have they in store for the army? How long can they maintain their forces there without bringing in more provisions?

Consul-General LEE. Senator, they are living there almost from hand to mouth.

Senator GRAY. Who?

Consul-General LEE. The Spaniards, and the citizens in the town of Havana also. I made some inquiries on that point just before I left. They have a good many barrels of flour and a good deal of rice and some potatoes, but not a great many, and a little lard; but everything that the town of Havana has received in the last four or five or six months has been from the United States by steamers from New York, New Orleans, and Tampa.

Senator MILLS. Can they get no subsistence from the island?

Consul-General LEE. Nothing more than from this floor [indicating].

Senator MILLS. That is what I supposed.

Consul-General LEE. The way the insurgents do is this: They have little patches of sweet potatoes—everything grows there very abun-

dantly in a short time—and Irish potatoes and fruits. They drive their pigs and cattle into the valleys and hillsides, and they use those and scatter out. That is the reason why they all scatter out. A great many are planting. The insurgents plant crops in many parts of the island.

Speaking about an armistice, they have not been interfered with much since General Blanco came there. With the exception of the campaign of General Pando in the eastern part of the island, there have been very few military operations inaugurated by the Spanish. So it has been practically a sort of a truce for some time—the insurgents because they did not want to fight and because it was against orders to fight and the Spanish soldiers—

Senator MILLS. Suppose Havana was blockaded, so that no provisions could come in, the people there would have no way to get any?

Consul-General LEE. None whatever. The town would surrender in a short while.

Senator FORAKER. What percentage of the population of the island is Cuban?

Consul-General LEE. About one million five or six hundred thousand people. About one-third of those are negroes. Take off 500,000 and that will leave 1,000,000, the Cubans being out of that 1,000,000 all except about 300,000.

Senator FORAKER. About 70 per cent?

Consul-General LEE. Yes; I think all but about 300,000.

Senator FORAKER. Are all the Cubans friendly to the insurgents?

Consul-General LEE. I never saw one who was not.

Senator FORAKER. They are all friendly to them?

Consul-General LEE. Yes.

Senator FRYE. What kind of men are the Cubans in the city? What character of men are they?

Consul-General LEE. There are some very good ones there and some are very trifling. It is like almost every population. The wealthier classes and the best educated and all those have generally left the island. They left nearly three years ago, when the war broke out. They are in London and Paris and many of them are in New York. I understand that 40,000 of them are in the United States.

Senator MORGAN. I wish to ask you, if you please, about the people we have been feeding in Cuba, on your requisition, from the Treasury of the United States. About how much of the appropriation of \$50,000 have you expended?

Consul-General LEE. Forty-five thousand dollars. There is \$5,000 left.

Senator MORGAN. Who got the benefit of it?

Consul-General LEE. American citizens.

Senator MORGAN. Do you mean native or adopted?

Consul-General LEE. Native American citizens and naturalized citizens.

Senator MORGAN. Were they in Havana chiefly or in the country?

Consul-General LEE. All over the whole island.

Senator MORGAN. Was it a matter of actual necessity to feed them, or was it just a matter of kindness?

Consul-General LEE. They were practically in the condition of all the other inhabitants of the island. They have had very little if any business to work at. There were not a great many sugar plantations in operation nor tobacco places and that kind, and they were suffering like everybody else. This money was applied for the relief of Ameri-

means, and then afterwards they got up a general relief for everybody, for the reconcentrados, as they call them.

Senator CULLOM. Did the Spanish army get any of the supplies sent from the United States?

Consul-General LEE. No, sir; occasionally they might have gotten a little here and there.

Senator MORGAN. We noticed that in one of your reports (I think it was a report made to you by a consul; I can not refer to it from memory at this moment of time) a statement was made to the effect that the people all through those settlements were not permitted to go outside of the line of concentration back to their homes.

Consul-General LEE. Yes, sir.

Senator MORGAN. That was the fact?

Consul-General LEE. Yes, sir; they have only recently been permitted to do so by a proclamation of General Blanco.

Senator MORGAN. How recently?

Consul-General LEE. Not quite three weeks ago.

The CHAIRMAN. Has General Blanco begun to relieve the reconcentrados, as has been said?

Consul-General LEE. Very little, indeed. They distributed some down there when the matter was first agitated, but it was a drop in the bucket.

The CHAIRMAN. How long ago was that?

Consul-General LEE. That was possibly eight or ten months ago, when they were first considering the relief of those reconcentrados.

Senator FRYE. What is the condition of the Spanish soldiers there in the island?

Consul-General LEE. Very bad.

Senator FRYE. As to clothing and subsistence, how are they?

Consul-General LEE. They are badly clothed and very badly fed; not well organized; not drilled. Nobody ever saw Spanish soldiers drill.

Senator FRYE. If Spain has really appropriated \$600,000 for the sustenance of the reconcentrados, as it is stated, do you believe that that will be given to those people, and that their own soldiers will be left to starve?

Consul-General LEE. Oh, no. There will be very little of it paid to anybody.

Senator FORAKER. What will become of it?

Consul-General LEE. They will divide it up here and there—a piece taken off here and a piece taken off there. I do not believe they have appropriated anything of the kind. I see those things on paper always.

Senator FRYE. You would have no confidence in it and would not advise us to have any confidence in it?

Consul-General LEE. Not a particle.

Senator MORGAN. Let me ask you, if you please, as to those persons whom you have been supplying with subsistence there from the Treasury of the United States. Now that you have come from the island, what provision is made for their support?

Consul-General LEE. Well, a great many of those, Senator, have departed from the island, but still there are a few scattered about here and there. There is no provision at all for them any more than there is for the reconcentrados.

Senator MORGAN. So they will be passed in among the starving classes unless they are relieved?

Consul-General LEE. Yes. If the \$5,000 had been used before we

came away, they would have that now; but they will just have to take their chances with the reconcentrados of what is there of food from the American relief fund.

Senator MORGAN. If it is our duty to feed those people there in Cuba, I suppose we shall have to be active about it in order to give them relief?

Consul-General LEE. Yes; they are suffering and starving there now every day. The Spanish can not feed them.

Senator CULLOM. Now that you and the other consuls have come away from the island, who would have charge of the distribution of food down there?

Consul-General LEE. I thought perhaps Miss Clara Barton would, because she came back there; but, very much to my surprise, she turned around and came out the same day we did, bringing every Red Cross. We had a warehouse from this fund that was contributed by the people of the United States, and I saw the warehouseman, a man named Elwell, that I had put there, on the boat. I asked him what he did about the warehouse. He said he just shut it up; that there was not a great deal left in it, and that he gave the key to the person who owned the property.

Senator FRYE. Did Miss Barton give any reason for leaving?

Consul-General LEE. She thought there was going to be war and she had better get out. She told me coming back that the Red Cross policy was to go behind the guns and not in front of them.

Senator FRYE. What, in your judgment, is the possibility of Spain conquering the insurgents and restoring peace to the island?

Consul-General LEE. I do not think there is the slightest possibility of their doing it at all in any way.

Senator CULLOM. Provided they do not starve them all to death?

Consul-General LEE. The same condition of things existed when Mr. Cleveland asked me to go down there last June a year ago. I gave him a report three weeks after I got there in which I told him there was no chance in my opinion of the Spaniards ever suppressing that insurrection nor was there any chance of the insurrectionists expelling the Spanish soldiers from the island. That report is in the State Department somewhere to-day, and if I had to write it over I would not dot an "i" or cross a "t," although I have been there nearly two years since then.

Senator FORAKER. Let me call your attention in this connection to a letter written by you to the State Department on the 13th of December last. If you have no objection, I should like to have it go into the record.

Consul-General LEE. I have no objection at all. It is on the same line I have been talking upon.

The letter referred to is as follows:

UNITED STATES CONSULATE-GENERAL,  
Havana, December 13, 1897.

Hon. WILLIAM R. DAY,  
Assistant Secretary of State, Washington, D. C.

SIR: I have the honor to make the following report:

First. In my opinion there is no possibility of Spain terminating the war here by *arms*.

Second. Or by *autonomy*—real or pretended.

Third. Or by *purchasing the insurrection leaders*, as recently attempted.

Fourth. Or, as far as I can see, in any other way.

Fifth. The contest for and against autonomy is most unequal.

For it, there are five or six of the head officers at the palace, and twenty or thirty other persons here in the city, who, it is said, desire to hold the offices to be created under autonomic forms; at least, such is my information.

Against it, first, are the insurgents, with or without arms, and the Cuban noncombatants. Second, the great mass of the Spaniards, bearing or nonbearing arms, the latter desiring, if there must be a change, annexation to the United States.

Indeed, there is the greatest apathy concerning autonomy in any form. No one asks what it will be, or when, or how it will come.

I do not see how it could be even put into operation by force, because as long as the insurgents decline to accept it, so long, the Spanish authorities say, the war must continue.

I am compelled to say, therefore, that in my opinion autonomy does not now, if it ever did, exist as a factor in the solution of the Cuban problem.

I am obliged to say, too, that in spite of published manifestoes the government of this island has not been able to relieve from starvation the Cuban population driven from their homes by the Weyler edict, and no longer attempts to do so.

I am, sir, your obedient servant,

FITZHUGH LEE,  
*Consul-General.*

Senator MORGAN. I wish to call your attention to the inclosure in your dispatch of November 27, 1897. In your letter you say:

One of two gentlemen who visited the reconcentrados after they were concentrated in Las Fosos, or the ditches in this city, handed me to-day the inclosed paper. The names of the two gentlemen are not signed to it for obvious reasons.

I do not care about the names; I suppose they are of no value to us; but do you know the gentlemen?

Consul-General LEE. Oh, yes; they are very reliable. I did not give the names because I thought perhaps if the document was published, or something of the kind, as the Spanish papers repeat everything, these men would be possibly arrested.

Senator MORGAN. Have you any reason to doubt the entire accuracy of that statement?

Consul-General LEE. No, sir; it is correct, in my opinion.

Senator LODGE. General, what is your opinion of the insurgent government?

Consul-General LEE. I have never thought that the insurgents had anything except the skeleton form of a government—a movable capital. I asked them one day why they did not have some permanent capital, and I think they gave a very good reason. They said it would require a large force to protect it and defend it, and they could not afford to mass up their men there; that the capital and the government offices had to move where they could be safest.

Senator FORAKER. Do you know any of the officials connected with their civil government?

Consul-General LEE. No, sir.

Senator FORAKER. You do not know President Maso or Vice-President Capote or the cabinet?

Consul-General LEE. I never had any communication with the insurgents in any way, shape, or form while on the island, except when, to save Colonel Ruiz's life, I wrote a letter to Aranguren, the insurgent chief.

Senator CULLOM. What is, approximately, the armed force of the insurgents?

Consul-General LEE. I suppose, if you could get them all up and mass them, they would number probably 31,000 or 32,000. The number has been up probably as high as 36,000 or 37,000.

Senator FRYE. Are they well or decently armed?

Consul-General LEE. They are well armed.

Senator FRYE. Have they much ammunition on hand?

Consul-General LEE. The ammunition varies. I think now and then a filibustering expedition gets in in some way and resupplies them, but I do not think they have a great deal. I presume that must be so because, as I told you, Gomez issued an order not to fire more than two cartridges.

Senator FRYE. What is the force of cavalry?

Consul-General LEE. They had at one time nearly one-third, but they have not so many now. The horses died; it has been hard to get horse feed, and so on; and they dismounted a great many of them.

Senator FORAKER. How many Spanish soldiers are in the island now?

Consul-General LEE. Capable of making a fight, possibly 55,000 or 56,000.

Senator FORAKER. And they are rather inadequately disciplined and drilled?

Consul-General LEE. Oh, yes; not drilled, not organized.

Senator MILLS. Not officered well?

Consul-General LEE. No.

Senator FORAKER. Are they now conducting any offensive military operations at all?

Consul-General LEE. No, sir; they have been going through some form with General Pando, down on the eastern division of the island at Santiago de Cuba, but I think that has all stopped now. The last information was that Gomez was getting around to flank Pando, and there were some fears entertained for his safety.

Senator FORAKER. It is practically only an army of occupation?

Consul-General LEE. That is about it, sir.

Senator FORAKER. Are the Spaniards confined to the fortified cities?

Consul-General LEE. Yes.

Senator FORAKER. All are confined to the cities?

Consul-General LEE. They do not try to occupy the country.

Senator FORAKER. Not outside the cities?

Consul-General LEE. No, sir; and generally the seaports. They do not want to get outside of any seaports. The seaports on the southern coast and the northern part are occupied by the Spanish troops and some of the larger towns in the interior. In the rest are the insurgents.

Senator FORAKER. The insurgents have the rest all around?

Consul-General LEE. Oh, yes; you can go from Havana 4 or 5 miles any day and get to the insurgents.

Senator FORAKER. To what extent do the insurgents control the eastern part—Puerto Principe and Santiago de Cuba?

Consul-General LEE. Nearly the entire portion of both provinces.

Senator FORAKER. What is the population of those two provinces?

Consul-General LEE. I do not know what it is as compared to the others.

Senator LODGE. Puerto Principe has a population of about 60,000.

Consul-General LEE. Santiago de Cuba is the largest in the island, I suppose. It has always been considered that there were not many Spanish troops there.

Senator FORAKER. The insurgents practically have control?

Consul-General LEE. So when General Weyler published his proclamation stating that the four western provinces were pacified Gomez published a counter proclamation and said that the eastern provinces were pacified.

Senator FORAKER. Gomez seems to be a man of a great deal of ability?

Consul-General LEE. Yes; he commenced to fight the war in that way and never has varied, but has gone right on in a straight line. They can not get him off of it. He goes out a little way, moves in a circle, and comes back to the place where he started.

Senator FORAKER. There are probably 300,000 Spaniards in the island population?

Consul-General LEE. I saw it stated the other day at 280,000, and I have seen it stated at 360,000.

Senator FORAKER. Are all the Spaniards hostile to the Cubans?

Consul-General LEE. As a general thing they are.

Senator FORAKER. The Spaniards are hostile to the insurgent government, and the Cubans are friendly to it, I suppose?

Consul-General LEE. Yes, sir.

Senator FORAKER. The line runs about that way?

Consul-General LEE. Yes, sir.

Senator FORAKER. You said a while ago that you were not sure whether this mine was planted before or after the *Maine* went there. Was there any place about Havana where private persons could have bought this mine and from which they could have taken it and placed it?

Consul-General LEE. No, sir.

Senator FORAKER. Have you any doubt but that it was put there by the Government?

Consul-General LEE. I do not think it was put there by the Government. I think probably it was the act of four or five subordinate officers.

Senator FORAKER. Spanish officers?

Consul-General LEE. Spanish officers, who had knowledge of the location and probably were experts, and had that branch of the service to look after. I do not think General Blanco gave any order about it.

Senator GRAY. What number of Spanish troops are on the island now, as you estimate the number?

Consul-General LEE. I suppose probably 97,000 or 98,000. There are some 37,000 there in hospitals, and about 50,000, probably 55,000, capable of bearing arms. A Spanish steamer goes back to Spain once every ten days, and they have taken off in the last year 500 or 800 or 900 and sometimes 1,000 Spanish soldiers three times a month. If they averaged only 700 on a steamer, in a month they would take off 2,100.

Senator FORAKER. What was the largest number they ever had there?

Consul-General LEE. They claimed about 210,000.

Consul SPRINGER. 237,000 have been sent over.

Consul-General LEE. Is that shown from the official records?

Consul SPRINGER. Yes, sir.

Senator DANIEL. When does the rainy season commence?

Consul-General LEE. It commences about the middle of June or the latter part.

Senator DANIEL. What effect would that have upon the Spaniards and the Cubans?



Consul-General LEE. The Spaniards do not conduct any operations at all during the rainy season. The Cubans are acclimated and get along better.

Senator DANIEL. Have any of the reconcentrados been put to work on public works, as has been intimated in the press?

Consul-General LEE. No, sir; there are no public works, and there is no money to pay for them.

Senator DANIEL. Could an American army of occupation go into Cuba with safety now?

Consul-General LEE. Yes, sir.

Senator DANIEL. I mean on account of climate, and so on.

Consul-General LEE. On account of climate and on account of everything else.

Senator FORAKER. Is the Spanish army paid up to date, or is it in arrears?

Consul-General LEE. When I left they informed me that the troops had not been paid for nine months, and the officers for about four.

Senator DANIEL. What has become of Miguel Viondi, who defended Sanguilly?

Consul-General LEE. He has been released. He was taken over and kept in one of those African prisons for a long time, but immediately after General Blanco came back he was released. They said they released a great many of those prisoners because they found difficulty in feeding them.

Senator DANIEL. Do you regard that General Blanco was lacking in courtesy to you on your leaving the Island?

Consul-General LEE. General Blanco and I always got along very well together. We were quite friends. I went into the palace the morning I left as a matter of official etiquette, to bid good-bye.

I went with the British consul-general. I saw Dr. Congosto, the secretary to the General. I told Dr. Congosto that I had received instructions to leave the island and go to the United States, and I called to pay my final respects and would like to see General Blanco. He asked me to sit down and said he would go and let him know. He went off and stayed about fifteen minutes and came back and said the General said please excuse him; he was not well and was lying down. I told Dr. Congosto then to say good-bye to him and turned around and left.

Senator DANIEL. Were there any demonstrations of ill will toward you as you left?

Consul-General LEE. When we were coming out on the steamer Saturday evening there was some hallooing, catcalling, and whistling, and some Spanish expressions, "Mean cowards, running away," and so on. I think that was confined to the lower order of men, however.

The CHAIRMAN. General, we are very much obliged to you.

**CONCENTRATION AND OTHER PROCLAMATIONS OF GENERAL  
WEYLER.**

**PROCLAMATION.**

Don Valeriano Weyler y Nicolau, Marquis of Teneriffe, Governor and Captain-General of the Island of Cuba, General in Chief of the Army, etc., desirous of warning the honest inhabitants of Cuba and those loyal to the Spanish cause, and in conformity to the laws, does order and command:

**ARTICLE I.** All inhabitants of the district of Sancti Spiritus and the provinces of Puerto Principe and Santiago de Cuba will have to concentrate in places which are the headquarters of a division, a brigade, a column, or a troop, and will have to be provided with documentary proof of identity, within eight days of the publication of this proclamation in the municipalities.

**ART. 2.** To travel in the country in the radius covered by the columns in operation, it is absolutely indispensable to have a pass from the mayor, military commandants, or chiefs of detachments. Any one lacking this will be detained and sent to headquarters of divisions or brigades, and thence to Havana, at my disposition, by the first possible means. Even if a pass is exhibited, which is suspected to be not authentic or granted by authority to person with known sympathy toward the rebellion, or who show favor thereto, rigorous measures will result to those responsible.

**ART. 3.** All owners of commercial establishments in the country districts will vacate them, and the chiefs of columns will take such measures as the success of their operations dictates regarding such places which, while useless for the country's wealth, serve the enemy as hiding places in the woods and in the interior.

**ART. 4.** All passes hitherto issued hereby become null and void.

**ART. 5.** The military authorities will see to the immediate publication of this proclamation.

VALERIANO WEYLER.

HAVANA, *February 16, 1896.*

**PROCLAMATION.**

Don Valeriano Weyler Nicolau, Marquis of Teneriffe, Governor and Captain-General of the Island of Cuba, General in Chief of the Army, etc.:

In order to avoid suffering and delay, other than that essential in time of war, and the summary proceedings initiated by the forces in operation, I dictate the following proclamation:

**ARTICLE 1.** In accordance with the faculties conceded to me by rule two, article thirty-one, of the military code of justice, I assume, as general in chief of the army operating in this island, the judicial attributes of H. E. Captain-General.

**ART. 2.** In virtue of rule two of said article, I delegate from this date these judicial attributes to the commanders in chief of the first and

second army corps, and to the general commanding the third division: that is, in Puerto Principe.

ART. 3. Prisoners caught in action will be subjected to the most summary trial, without any other investigation except that indispensable for the objects of the trial.

ART. 4. When the inquiry is finished, subject to consultation with the judicial authorities, the proceedings will continue during the course of operations, and in the presence of the judicial authority, with an auditor, the sentence may be carried out. When said authority is not present, the process will be remitted to him and the culpable parties detained at the locality where the division or brigade headquarters is situated.

ART. 5. The military juridic functionary of whatever rank who accompanies in the operations the judicial authorities, when the latter thus decides, will act as auditor, dispensing with the assessors' assistance at court-martial, during operations, in cases where no other member of the juridic body is at hand.

ART. 6. When the sentence is pronounced, if the sentence be deprivation of liberty, the culprit will be brought to Havana, with the papers in the case, so that the testimony can be issued as to the penalty, and the sentence be carried into effect.

ART. 7. The said authorities will be acquainted with all cases initiated against the accused in war.

ART. 8. I reserve the right of promoting and sustaining all questions of competence, with other jurisdictions, as also with the military, and to determine inhibitions in all kinds of military processes, in the territory of the island.

ART. 9. I reserve likewise the faculty of assuming an inquiry into all cases, when it is deemed convenient.

ART. 10. No sentence of death shall be effected without the acknowledgment by my authority of the testimony of the judgment, which must be sent to me immediately, except when no means of communication exists, or when it is a case of insult to superiors, or of military sedition, in which case sentence will be carried out, and the information furnished to me afterwards.

ART. 11. All previous proclamations or orders, conflicting with this, on the question of the delegation of jurisdiction in this island, are hereby rendered null and void.

VALERIANO WEYLER.

HAVANA, *February 16, 1896.*

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PROCLAMATION.

Don Valeriano Weyler y Nicolau, Marquis of Teneriffe, Governor and Captain-General of the Island of Cuba, general in chief of the army, etc.:

I make known that, taking advantage of the temporary insecurity of communication between the district capitals and the rest of the provinces, notices which convey uneasiness and alarm are invented and propagated, and some persons, more daring still, have taken advantage of this to draw the deluded and ignorant to the rebel ranks. I am determined to have the laws obeyed, and to make known by special means the dispositions ruling and frequently applied during such times as the present, through which the island is now passing, and to make clear how far certain points go, in adapting them to the exigencies of

war and in use of the faculties conceded to me by number twelve, article seven, of the code of military justice and by the law of public order of April 23, 1870. And I make known, order, and command that the following cases are subject to military law, among others specified by the law:

CLAUSE 1. Those who invent or propagate by any means notices or assertions favorable to the rebellion shall be considered as being guilty of offenses against the integrity of the nation, and comprised in article two hundred and twenty-three, clause six, of the military code, whenever such notices facilitate the enemy's operations.

CLAUSE 2. Those who destroy or damage railroad lines, telegraph or telephone wires, or apparatus connected therewith, or those who interrupt communications, by opening bridges or destroying highways.

CLAUSE 3. Incendiaries in town or country, or those who cause damage, as shown in caption eight, article thirteen, volume two, of the penal code ruling in Cuba.

CLAUSE 4. Those who sell, facilitate, convey, or deliver arms or ammunition to the enemy, or who supply such by any other means, or those who keep such in their power, or tolerate or deal in such through the customs, and employees of customs who fail to confiscate such importations, will be held responsible.

CLAUSE 5. Telegraphists who divulge telegrams referring to the war, or who send them to persons who should not be cognizant of them.

CLAUSE 6. Those who, through the press or otherwise, revile the prestige of Spain, her army, the volunteers, or firemen, or any other force that cooperates with the army.

CLAUSE 7. Those who, by the same means, endeavor to extol the enemy.

CLAUSE 8. Those who supply the enemy with horses, cattle, or any other war resources.

CLAUSE 9. Those who act as spies; and to these the utmost rigor of the law will be applied.

CLAUSE 10. Those who serve as guides, unless surrendering at once and showing the proof of force majeure and giving the troops evidence at once of loyalty.

CLAUSE 11. Those who adulterate army food, or conspire to alter the prices of provisions.

CLAUSE 12. Those who, by means of explosives, commit the offenses referred to in the law of June 10, 1894, made to extend to this island by the royal order of October 17, 1895, seeing that these offenses affect the public peace, and the law of April 23, 1870, grants me power to leave to the civil authorities the proceedings in such cases as are comprised in captions four and five, and treatise three of volume two of the common penal code, when the culprits are not military, or when the importance of the offense renders such action advisable.

CLAUSE 13. Those who, by messenger pigeons, fireworks, or other signals, communicate news to the enemy.

CLAUSE 14. The offenses enumerated, when the law prescribes the death penalty or life imprisonment, will be dealt with most summarily.

CLAUSE 15. All other proclamations and orders previously issued in conflict with this are annulled by this.

VALERIANO WEYLER.

HAVANA, *February 16, 1896.*

**EXTRACTS FROM CONSULAR REPORTS IN REGARD TO AFFAIRS OF  
THE ISLAND OF CUBA.**

*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, November 23, 1897.*

SIR: I have the honor to briefly submit a statement of what appears to be the present condition of affairs in this island:

First. The insurgents will not accept autonomy.

Second. A large majority of the Spanish subjects who have commercial and business interests and own property here will not accept autonomy, but prefer annexation to the United States rather than an independent republic or genuine autonomy under the Spanish flag.

Third. The Spanish authorities are sincere in doing all in their power to encourage, protect, and promote the grinding of sugar. The grinding season commences in December.

Fourth. The insurgents, leaders have given instructions to prevent grinding, wherever it can be done, because by diminishing the export of sugar the Spanish Government revenues are decreased. It will be very difficult for the Spanish authorities to prevent cane burning, because one man at night can start a fire which will burn hundreds of acres, just as a single individual could ignite a prairie by throwing a match into the dry grass.

Fifth. I am confident that General Blanco and Pando, his chief of staff, as well as Dr. Congosto, the secretary-general, with all of whom I have had conversations, are perfectly conscientious in their desire to relieve the distress of those suffering from the effects of Weyler's reconcentration order, but, unfortunately, they have not the means to carry out such benevolent purposes.

I have read letters stating that charitable persons in the United States will send clothing, food, and some money to these unfortunate people, and I have arranged with the Ward line of steamers to provide free transportation from New York. I hope to secure the permission of the Spanish authorities here for such things to be entered free of duty. I am told, however, that they must come consigned to the Bishop of Havana. The sufferings of the "reconcentrados" class have been terrible, beyond description, but in Havana less than in other places on the island; yet Dr. Brunner, acting United States sanitary inspector here, informed me this morning that the death rate of the "reconcentrados" in this city was about 50 per cent of other places of the island, and when it is remembered that there have been several hundred thousands of these noncombatants or "pacificos," mainly women and children, who are concentrated under General Weyler's order, some idea can be formed of the mortality among them.

In this city matters are assuming better shape. Under charitable committees large numbers of them have been gathered together in houses, and are now fed and cared for by private subscriptions. I visited them yesterday and found their condition comparatively good, and there will be a daily improvement among them, though the lives of all can not be saved. I witnessed many terrible scenes and saw some

die while I was present. I am told General Blanco will give \$100,000 to the relief fund.

I am, etc.,

FITZHUGH LEE,  
Consul-General.

11.

*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, November 27, 1897.*

SIR: One of two gentlemen who visited the "reconcentrados" after they were concentrated on Los Fosos (the ditches) in this city handed me to-day the inclosed paper. The names of these two gentlemen are not signed to it for obvious reasons.

I personally know the gentleman who brought the communication, and know that he stands high in this community as a man of integrity and character.

The number of "reconcentrados" here, as I had the honor to report already, have always been less than elsewhere. I am able to say now that they will be taken care of and fed by committees of charitably disposed persons.

I am, etc.,

FITZHUGH LEE,  
Consul-General.

[Inclosure referred to above.]

SIR: The public rumor of the horrible state in which the reconcentrados of the municipal council of Havana were found in the Fosos having reached us, we resolved to pay a visit there, and we will relate to you what we saw with our own eyes:

Four hundred and sixty women and children thrown on the ground, heaped pell-mell as animals, some in a dying condition, others sick, and others dead, without the slightest cleanliness nor the least help, not even to give water to the thirsty, with neither religious or social help, each one dying wherever chance laid them. And for this limited number of reconcentrados the deaths ranged between 40 and 50 daily, giving relatively ten days of life for each person, with great joy to the authorities, who seconded fatidically the politics of General Weyler to exterminate the Cuban people; for these unhappy creatures received food only after having been for eight days in the Fosos, if during this time they could feed themselves with the bad food that the dying refused.

On this first visit we were present at the death of an old man who died through thirst. When we arrived he begged us for God's sake to give him a drink; we looked for it and gave it to him, and fifteen minutes afterwards he breathed his last, not having had even a drink of water for three days before. Among the many deaths we witnessed there was one scene impossible to forget. There is still alive the only living witness, a young girl of 18 years, whom we found seemingly lifeless on the ground. On her right-hand side was the body of a young mother cold and rigid, but with her young child still alive, clinging to her dead breast; on her left-hand side was also the corpse of a dead woman holding her son in a dead embrace. A little farther on, a poor, dying woman, having in her arms a daughter of 14 crazy with pain, who, after five or six days, also died in spite of the care she received.

In one corner a poor woman was dying, surrounded by her children, who contemplated in silence, without a lament or shedding a tear, they themselves being real spectators of hunger, emaciated in a horrible manner. This poor woman augments the catalogue, already large, of the victims of the reconcentration in the Fosos.

The relation of the pictures of misery and horror which we have witnessed would be never-ending were we to narrate them all.

It is difficult and almost impossible to express by writing the general aspect of the inmates of the Fosos, because it is entirely beyond the line of what civilized humanity is accustomed to see; therefore no language can describe it.

The circumstances which the municipal authorities could reunite there are the following: Complete accumulation of bodies, dead and alive, so that it was impossible to take one step without walking over them; the greatest want of cleanliness,

want of light, air, and water; the food lacking in quality and quantity, what was necessary to sustain life, thus sooner putting an end to these already broken-down systems; complete absence of medical assistance, and, what is more terrible than all, no consolation whatever, religious or moral.

If any young girl came in any way nice looking, she was infallibly condemned to the most abominable of traffics.

At the sight of such horrible pictures the two gentlemen who went there resolved, in spite of the ferocious Weyler, who was still Captain-General of the island, to omit nothing to remedy a deed so dishonorable to humanity and so contrary to all Christianity. They did not fail to find persons animated with like sentiments, who, putting aside all fear of the present situation, organized a private committee, with the exclusive end of aiding, materially and morally, the reconcentrados. This neither has been nor is at present an easy task. The great number of the poor and scarcity of means makes us encounter constant conflicts. This conflict is more terrible with the official elements, and in a special manner with the mayor of the city and the civil authorities, who try by all means to annihilate this good work.

The result of the collections are very insignificant if we bear in mind the thousands of people who suffer from the reconcentrations; but it serves for some consolation to see that in Havana some 159 children and 84 women are well cared for in the asylum erected in Cadiz street, No. 82; and 93 women and children are equally well located in a large saloon erected for them in the second story of the Fosos, with good food and proper medical assistance, as also everything indispensable to civilized life.

According to the information which we have been able to acquire since August until the present day, 1,700 persons have entered the Fosos proceeding from Jaraco, Campo Florido, Guanabo, and Tapaste, in the province of Havana. Of these only 243 are living now and are to be found in Cadiz street; 82 in the saloon already mentioned, and 61 in the Quinta del Rey and the Hospital Mercedes; the whole amounting to about 387, and of these a great many will die on account of the great suffering and hunger they have gone through.

From all this we deduce that the number of deaths among the reconcentrados has amounted to 77 per cent.

*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, December 3, 1897.*

SIR: Referring to my cipher telegram of the 1st instant, which I beg to confirm, reading as follows:

ASSISTANT SECRETARY OF STATE, ETC.:

Inform the Department that he has learned from the United States consul at Matanzas of an extensive and dangerous conspiracy under the ex-governor of the province, directed against Americans. Action against them to be contingent upon movement of the United States Government in favor of independence to Cuba.

I have the honor to state that rumors have been more or less frequent regarding the riotous intentions of some of the dissatisfied elements toward citizens of the United States dwelling here and in other parts of the island. Any riotous demonstrations here must come from the Spanish noncombatants or from the volunteer forces. I do not think there is any danger from the former, many of whom seem to be in favor of annexation rather than for real autonomy or for an independent Cuban republic; and I am inclined to think if General Blanco can manage the volunteers, as yesterday he said he could, the trouble from that source is diminishing. The origin of the mobs in this city in the past has always been located in the ranks of the volunteers, who alone have organization and arms.

The Governor and Captain-General is now investigating the Matanzas rumors and will, I am sure, deal promptly with any conspirators found there.

The Weyler police have all been changed and the officers of the volunteers, too, when the Government here has reason to doubt their loyalty.

IN consequence of all this, and the assurance of the governmental authorities that American life and property will, if necessary, be protected by them at a moment's notice, I have declined to make an application for the presence of one or more war ships in this harbor, and have advised those of our people who have wives and children here not to send them away, at least for the present, because such proceedings would not, in my opinion, be justifiable at this time, from the standpoint of personal security.

I still think that two warships at least should be at Key West, prepared to move here at short notice, and that more of them should be sent to Dry Tortugas, and a coal station be established there. Such proceedings would seem to be in line with that prudence and foresight necessary to afford safety to the Americans residing on the island, and to their properties, both of which, I have every reason to know, are objects of the greatest concern to our Government.

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*

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*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, December 3, 1897.*

SIR: I have the honor to state that a representative of a Madrid paper here says that "Canalejas has said, upon his return from the Vuelta Abajo, or Pinar del Rio Province, after the recent combat there between the Spanish Generals Bernal and Hernandez de Calasco, in command of 2,300 men and two pieces of artillery, and Cuban forces under Pedro Diaz, that, although the Spanish troops have displayed once more their usual valor in said fight and the enemy must have suffered heavy losses, yet the province of Pinar del Rio is not pacified, and that there are numerous rebel forces still there; that out of about 14,000 Spanish regular troops in that province only about 3,000 or 4,000 are able to operate, the balance being sick at the hospitals, garrisoning towns, and otherwise distributed; that he believes autonomy premature, and inclines himself to the adoption of energetic military action for the purpose of finally pacifying said province; that he does not believe in altering facts and news; that the truth, no matter how painful and bitter it may be, must be known in the Peninsula, where public opinion and the press have been deceived regarding the annihilation of the war and the so-called pacification of the western provinces, among which that of Pinar del Rio has been included."

The Lucha to-day publishes that Canalejas has said "that the economic condition of the Pinar del Rio Province is deplorable, there being 40,000 'reconcentrados' absolutely destitute, 15,000 of which are children, most of whom are orphans; that they are unequally distributed throughout the different towns in the province, there being only 460 at the capital city of Pinar del Rio, while in small towns like Consolacion and Candelaria there are over 4,000. The municipalities can not incur any expense because the taxes can not be collected, because most of the taxpayers, if not all, have been ruined by the war."

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*



*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
Havana, December 7, 1897.

SIR: (The consul-general informs the Assistant Secretary of State that measures for the relief of the "reconcentrados" are not sufficiently energetic to be effective, and that he is advised by the Governor-General that authority to admit articles of food and clothing from the United States to Cuban ports free of duty rested with the authorities at Madrid).

I see no effects of the governmental distribution to the "reconcentrados." I am informed that only \$12,500 in Spanish silver had been dedicated to the Havana Province out of the \$100,000 said to have been set aside for the purpose of relieving them on the island, and that reports from all parts of the Province show that 50 per cent have already died and that many of those left will die. Most of these are women and children. I do not believe the Government here is really able to relieve the distress and sufferings of these people.

I am informed an order has been issued in some parts of the island suspending the distribution of rations to "reconcentrados." \* \* \* The condition of these people is simply terrible.

I inclose herewith an official document copy of the comparative mortality in Havana for the six months ending November 30. It will be perceived that there has been a great increase in the death rate, and without adequate means in the future to prevent it the mortality will increase. I hear of much suffering in the Spanish hospitals for want of food, and among the Spanish soldiers. \* \* \* I hear also that the Spanish merchants in some parts of the island are placing their establishments in the name of foreigners in order to avoid their provisions being purchased on credit by the military administration, and that the Spanish army is suffering much from sickness and famine, and that a great deal of money is needed at once to relieve their condition. In some parts of the island, I am told, there is scarcely any food for soldiers or citizens, and that even cats are used for food purposes, selling at 30 cents apiece.

It is a fair inference, therefore, to draw from the *existing conditions*, that it is not possible for the Governor-General of this island to relieve the present situation with the means at his disposal. \* \* \*

I am, etc.,

FITZHUGH LEE,  
Consul-General.

*Mr. Lee to Mr. Day.*

[Confidential.]

UNITED STATES CONSULATE-GENERAL,  
Havana, December 13, 1897. (Received December 18.)

SIR: I have the honor to make the following report:

The contest for and against autonomy is most unequal.

For it there are 5 or 6 of the head officers at the palace, and 20 or 30 other persons here in the city.

*Against it*, first, are the insurgents, with or without arms, and the Cuban noncombatants; second, the great mass of the Spaniards, bearing or nonbearing arms—the latter desiring, if there *must* be a *change*, annexation to the United States.

Indeed, there is the greatest apathy concerning autonomy in any form. No one asks what it will be or when or how it will come.

I do not see how it could even be put into *operation* by *force*, because as long as the insurgents decline to accept it so long, the Spanish authorities say, the war must continue.

I am obliged to say, too, that \* \* \* the Government of this island has not been able to relieve from starvation the Cuban population driven from their homes by the Weyler edict, and no longer attempts to do so.

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*

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*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, December 14, 1897.*

SIR: I have the honor to report that I have received information that in the Province of Havana reports show that there have been 101,000 "reconcentrados," and that out of that 52,000 have died. Of the said 101,000, 32,000 were children. This excludes the city of Havana and seven other towns from which reports have not yet been made up. It is thought that the *total number* of "reconcentrados" in *Havana Province* will amount to 150,000, nearly all women and children, and that the death rate among their whole number from starvation alone will be over 50 per cent.

For the above number of "reconcentrados" \$12,500, Spanish silver, was set aside out of the \$100,000 appropriated for the purpose of relieving all the "reconcentrados" on the island. Seventy-five thousand of the 150,000 may be still living, so if *every* dollar appropriated of the \$12,500 *reaches them* the distribution will average about 17 cents to a person, which, of course, will be rapidly exhausted, and, as I can hear of no further succor being afforded, it is easy to perceive what little practical relief has taken place in the condition of these poor people.

I am, etc.,

FITZHUGH LEE,  
*Consul-General.*

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*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, January 8, 1898.*

SIR: I have the honor to state, as a matter of public interest, that the "reconcentrado order" of General Weyler, formerly Governor-General of this island, transformed about 400,000 self-supporting people, principally women and children, into a multitude to be sustained by the contributions of others or die of starvation or of fevers resulting from a low physical condition and being massed in large bodies without change of clothing and without food.

Their houses were burned, their fields and plant beds destroyed, and their live stock driven away or killed.

I estimate that probably 200,000 of the rural population in the Provinces of Pinar del Rio, Havana, Matanzas, and Santa Clara have died of starvation, or from resultant causes, and the deaths of whole families almost simultaneously, or within a few days of each other, and of mothers praying for their children to be relieved of their horrible sufferings by death, are not the least of the many pitiable scenes which were ever present. In the Provinces of Puerto Principe and Santiago de Cuba, where the "reconcentrado order" could not be enforced, the great mass of the people are self-sustaining.

A daily average of 10 cents' worth of food to 200,000 people would be an expenditure of \$20,000 per day, and of course the most humane efforts upon the part of our citizens can not hope to accomplish such a gigantic relief, and a great portion of these people will have to be abandoned to their fate.

I am, etc.,

FITZHUGH LEE,  
Consul-General.

*Mr. Lee to Mr. Day.*

UNITED STATES CONSULATE-GENERAL,  
*Havana, January 17, 1898.*

SIR: I have the honor to transmit herewith some statistics sent me about the mortality in the town of Santa Clara, the capital of Santa Clara Province, situated about 33 miles south of Sagua, which number some 14,000 inhabitants. It will be noticed that there were about 5,489 deaths in that town in the seven years previous to 1897, which included 1,417 in one year from an epidemic of yellow fever, while in 1897, owing to the concentration order, there were 6,981. The concentration order went into effect in February. In that year, 1897, the month's death rate for January was 78, but in February, the first month of reconcentration, there were 114, and there has been a gradual increase since, as you will see, until in December, 1897, the number of deaths was 1,011. I refer to this as a specimen of the mortality on this island in consequence of the "reconcentrado order" of the late Captain and Governor-General Weyler.

I am, etc.,

FITZHUGH LEE,  
Consul-General.

Consul-General Lee, February 10, 1898, incloses a statement of the condition of some small towns near Havana; says the reports were made by a person sent by him for the purpose.

MELENA DEL SUR.

The unhealthy conditions of this town and the total want of resources make it impossible for the mayor to remedy the present miserable situation of the people, who die in great numbers from starvation, fever, and smallpox. \* \* \* There are other towns in the same condition; Guinness, Catalina, and Madruga, whose situation could be in a small

degree relieved if the country people could be allowed to leave the town freely in search of food, which is very scarce. In some towns this is entirely prohibited; in others they are obliged to pay a tax; and not having anything to eat, how can they pay a tax? In every town you visit the first thing you notice is the unhealthy condition of the men and their total want of physical strength, which prevents them even from making an effort to procure the means of support.

## CATALINE DE GUINES.

The condition of the reconcentrados in this town is very sad and desperate. There are no zones for cultivation, and they are therefore not allowed, even with a military pass, to leave the town in search of work or food, which latter is so scarce that one must walk 4 or 5 miles before finding a sweet potato. \* \* \* In these districts the liberty given by General Blanco to the reconcentrados is a farce.

## GUINES TOWN.

\* \* \* In fifteen days 200 reconcentrados have died in Guines from starvation and total lack of resources. Many of the sick sleep on the floor and on piazzas.

General Lee, under date of March 14, incloses the following from Consul Barker:

"DEAR SIR: I will thank you to communicate to the Department as quickly as possible the fact that the military commander and other officers of the military positively refuse to allow the reconcentrados, to whom I am issuing food in its raw state, to procure fuel with which to cook this food. In addition, they prohibited this class of people (I am only giving food to about one-fifth of the destitute; the authorities have quit altogether) from gathering vegetables cultivated within the protection of the fort, telling them: 'The Americans propose to feed you, and to the Americans you must look.'"

General Lee, March 28:

"I have the honor to report that instructions have been given by the civil governor of Havana that the alcaldes and other authorities shall not give out any facts about the reconcentrados, and if any of the American relief committees should make any inquiries concerning them all such inquiries must be referred to him."

United States Consul Brice, Matanzas, November 17, 1897:

"\* \* \* Starvation; no relief is yet afforded the starving thousands in this province. Several days ago an order from Captain Gin was given municipal authorities to issue rations and clothing, but no attention is paid to the order. \* \* \* Death rate in this city over eighty persons daily, nearly all from want of food, medicines, and clothing. As I write this a dead negro woman lies in the street within 200 yards of this consulate, starved to death; died some time this morning, and will lie there maybe for days. The misery and destitution in this city and other towns in the interior are beyond description. A general order has been issued allowing reconcentrados to return to the country, but the restrictions placed in the order are such as to practically prohibit. If they went, what can they do without money, food, or shelter? The situation is indeed deplorable, and I am free to say no real help can be expected from the Spanish Government, and the fate of the remaining reconcentrados is lingering death from starvation."

Consul Brice, Matanzas, December 17, 1897:

"SIR: I have the honor to report the following Cuban news in this Province, taken from personal observation and reliable sources of information. Concentrados: Relief offered these and other poor people by Spanish authorities is only in name. \* \* \* 2,000 rations were given out for a few days only to 8,000 persons. There are more than 12,000 starving in this city to-day. \* \* \* Death rate has diminished somewhat; now about 63 daily. There are less people to die. The scenes of misery and distress daily are beyond belief. Here is one out of hundreds. In a family of seventeen living in an old lime kiln all were found dead except three, and they barely alive. \* \* \* General Blanco's order allowing reconcentrados, owners of plantations and farms, to return and cultivate crops, etc., is inoperative and of no avail. Several of our American citizens, owners of land, have repeatedly asked the civil governor of this Province for permission to return to their homes, and in every case refused or restrictions imposed impossible to comply with."

Consul Brice (from a circular letter dated January 8, 1898):

"\* \* \* There are in Matanzas Province over 90,000 people who are in actual starvation condition. In addition to above, there are thousands of families of the better classes, formerly well to do, who to-day are living on one meal a day, and that very scant. They have sold or pawned their furniture, clothing, jewels, etc., to eke out an existence until all is gone, or nearly so. Too proud to beg, they suffer in silence, and many die of starvation. The daughter of a former governor of this Province was seen begging on the streets of the city. Many of these people call on me privately at my residence, praying for God's sake to be remembered when relief comes from the United States. It is to be hoped that this relief will come quickly, for hundreds are dying daily in this Province of starvation. Conditions are dreadful and no relief afforded by Spanish authorities."

Santiago de Cuba, Consul Hyatt, December 21, 1897:

"I respectfully report that the sickness and the death rate on this island is appalling. Statistics make a grievous showing, but come far short of the truth. \* \* \* Dr. Caminero, United States sanitary inspector, has just informed me that there are in this city over 12,000 people sick in bed, not counting those in military hospitals. This is at least 35 per cent of the present population. Quinine, the only remedy of avail, is sold ten times higher than in the States. Steamers coming to this port mostly give out soup once a day to the waiting throng. Fresh meat in our market sells from 50 cents to \$1 a pound."

Consul Hyatt, of Santiago de Cuba, under date of January 8, 1898:

"Numerous dead bodies at the cemetery are carried over from day to day, because the sexton is unable to bury them, with his present corps of assistants, as fast as they come."

Consul Hyatt, Santiago de Cuba, January 12, 1898:

"\* \* \* It is beyond the power of my pen to describe the situation in eastern Cuba. Squalidity, starvation, sickness, and death meet one in all places. Beggars swarm our doors and stop us on the street. The dead in large numbers remain over from day to day in the cemeteries unburied."

Consul Hyatt, Santiago de Cuba, January 22, 1898:

"\* \* \* The military situation is completely overshadowed in importance by the starving, struggling mass whose cry is, 'Bread, or I perish.' This consulate is besieged to an extent that blocks the entrance and greatly retards business. They have heard that the people of the

United States are giving funds for their relief and have not the patience to wait. I could name three Americans here who contribute monthly over \$300 toward feeding the poor, but it is nothing compared to the people's necessities. Men, women, and children, homeless and almost naked, roam the streets by day, begging of almost everyone they meet for door they pass, and sleeping at night almost anywhere they can find a place to lie down. If the present death rate is continued there would not be a soul left in the city at the end of five years. For the masses it is speedy help or sure death."

Same, under date of February 26, 1898:

"Rations are issued in a court attached to the consulate, the people being admitted by the police through a carriage driveway.

"As I write the street is blocked by the hungry throng for nearly a square above and below the entrance.

"Since writing this dispatch I have been informed that the ladies' relief committee have estimated that in this city alone the number who need help is 18,000."

(The rations referred to in the foregoing are the relief sent from the United States.)

Consul Barker, Sagua la Grande, November 20, 1897:

"While General Blanco has made known his purpose to relieve the concentrated people by allowing them to go out of the towns, I give the Department reasons why this permission will not give the relief claimed. While article 1 grants permission to this starving class to return to the country, article 3 abrogates it in exacting that to avail themselves of the privilege the places to which they go must be garrisoned. This will preclude over one-half of these poor unfortunates, for their homes are in ruins, and the sugar estates able to maintain a guard can care for but a small percentage of the whole. \* \* \* I will not question the good intention of those now in power. It is a self-evident fact that the authorities are utterly helpless to extend any relief to those who have thus far survived the pangs of hunger. \* \* \*

"So far as relates to this section of the island, the claim made by the Captain-General, in a letter to the Spanish minister in Washington, that 'extensive zones of cultivation had been organized, daily rations are provided by the State, work is furnished,' etc., is not borne out by my observation."

Consul Barker, Sagua la Grande, November 25, 1897:

"SIR: With reference to the distress and deaths in this consular district, embracing a large part of the territory of the province, appended is the official mortality list of each of the judicial districts comprising the province known as Cinco Villas (five towns), from January 1 to November 15, 1897, inclusive, as follows, viz:

Santa Clara.....	27,900
Sagua.....	16,583
Cienfuegos.....	14,263
Remedios.....	11,415
Sancti Spiritus.....	5,482
Trinidad.....	4,946
Total.....	80,589

"Add to this 25 per cent for the number of which no record has been kept, \* \* \* I deem a conservative estimate will make the grand total 100,736 deaths. In truth, after talking with both military and judicial officers, I regard this rather under than above the actual deaths for the period stated. Undoubtedly one-half of the concentrated peo-

ple have died, and to-day Spanish soldiers are companion victims of the surviving noncombatants. The inclosed slip (inclosure No. 1) showing the number of deaths—official—in the small municipal district of San Juan de la Yeras, will give some idea of the rapid increase from month to month, as will also the clippings (inclosure No. 2) cut from the local papers show that the authorities no longer conceal these facts as was done under the retired Captain-General.

"This appalling death rate is mute, yet convincing proof of the terrible destruction of life under the *main* policy pursued in attempting to subjugate the island. The heavens, it would appear, weep for despoiled, distressed Cuba, for during the present month the fall of rain has been almost phenomenal. I have to reiterate, the authorities, however great the desire to do so, are utterly helpless to ameliorate the dire distress that must continue to increase.

" \* \* \* Relative to furnishing protection to the mills to grind how is it possible in view of the fact that the safeguard extended to planters in making the previous crop enabled them to grind less than one-third of the usual yield, while the military force available to-day is not half in numbers as at that time. With me the conviction is firmly rooted that within sixty days 90 per cent of the populace will reach a state of craving hunger, without outside aid; nor do I feel that I am speaking chimerically when I include the rank and file of the Spanish army. The true status, as viewed at present, will bear out this opinion. The suffering among the troops, as well as the reconcentrados, simply beggars portrayal, while discontent ripens daily."

Consul Barker, Sagua la Grande, December 13, 1897:

" \* \* \* I have within the past few days visited five of the principal railroad towns in this district. The destitution is simply too harrowing to recite, and must become intensified each day. The death rate for the last month shows an increase of about 25 per cent. In these towns I got my information from the mayors. I learned that while an issue of food running from three to five days had been made, beginning on the 28th ultimo, consisting of 3 ounces of bacon and jerked beef and 4 ounces rice for adults, with half this allowance for children under 14 years, the pittance was sufficient only for one-fourth to one-tenth of the starving.

"The mayors of Santa Clara, Cruces, and Santo Domingo are authority for stating the Captain-General had ordered that after the 8th instant any issue of food to the concentrados be discontinued. \* \* \* The mayor of Santa Clara stated to me that the Captain-General directed him to call on the commissary of the army for 5,000 rations for relief purposes, which, he said, was sufficient to feed the suffering people but one day. The officer's answer was he could not do so, as all Government supplies on hand would be required to feed the army. The mayor stated also that, in presenting this order to the military commander, he was ordered by him under no circumstances to give food to anyone having relatives in the insurrection, which, he said, would exclude 75 per cent of the destitute. \* \* \* All efforts so far to obtain relief by popular subscription have met with signal failure. The Cubans are too poverty stricken, while the Spaniards who own the wealth will contribute nothing. \* \* \*"

Consul Barker, Sagua, December 8, 1897, states that food, medicine, and clothing are required by more than 50,000 persons in his consular district, and that a reliable estimate of the starving in the Sagua Province is 100,000. \* \* \*

Consul Barker, Sagua la Grande, January 31, 1898:

"Relative to citizens of the United States residing in this consular

district, the new administration's progress and repudiation concerning the abuses in vogue under the former régime reveal the following facts: Of those herded in the garrison towns none have been allowed to return to their landed estates. Some few did venture to go to their farms, under a pledge of protection from the military commander of the province, to whom I will not impute bad faith, and were driven off by guerrillas.

"At my suggestion several Americans returned to the American-owned 'Central Santiana,' the owner having been forced to abandon property. Although a Government guard is stationed at the place, they (former tenants) were ordered to leave. Application was made to the military commander for authority to return unmolested, and it was refused. Over two months since two of our citizens notified me they had discovered in possession of the local guerrillas ten or twelve head of their horses. I addressed the military commander, asking, on proof of ownership, their stock be restored. Nothing has been done, while these American citizens, both in affluence at the breaking out of the rebellion, are to-day dependent upon charity. \* \* \*"

Consul Barker, Sagua la Grande, March 12, 1898:

"\* \* \* About a week since I received the first shipment of supplies, about 20 tons, being sent from Havana under direction of the Red Cross branch in that city. All this I distributed among 10 of the 22 towns I had managed to investigate, using none for Sagua. \* \* \* About sixty days ago the mayors of these towns furnished, by request, this office with the number they claimed as actually destitute in their several municipal districts, which footed up over 50,000 persons. Estimating a decrease from death of 10,000 would leave, say, 40,000. \* \* \*"

Consul Barker, Sagua la Grande, March 14, 1898:

"The inclosed letter from Mr. Valle, whom I have every reason to believe will not misrepresent the case, \* \* \* shows that I have underestimated the number in my jurisdiction in need of relief. I beg to increase the amount required, as stated in my No. 294, from 80 to 100 tons a month."

(Letter referred to implored medicines and provisions.)

Consul Barker, Sagua la Grande, March 24, 1898:

"Closer investigation discloses larger number destitute than estimate sent. Fifty tons needful now. Distress far greater than my reports show."

Consul Barker, Sagua la Grande, March 24, 1898:

"SIR: I visited seat of government of this province, Santa Clara, where I learned \* \* \* that the number of persons in actual want exceeds any estimate I have sent to the Department. The distress is simply heartrending; whole families without clothing to hide nakedness, sleeping on the bare ground without bedding of any kind, without food save such as we have been able to reach with provisions sent by our noble people; and the most distressing feature is that fully 50 per cent are ill, without medical attention or medicine. \* \* \* I have found the civil governor willing to lend every aid in his power, but he admits he can do nothing but assist with his civil officers in expediting the relief sent from the United States. The military obstruct in every way possible."

*Translation of the articles of General Blanco's proclamation of the 30th March, 1898, suspending the reconcentration.*

ARTICLE 1. From the publication of the present proclamation (bando) in the Gazette of Havana the reconcentration of country people through-



out the island is hereby terminated, and they are authorized to return with their families to their homes, and to dedicate themselves to all kinds of agricultural labors.

**ARTICLE 2.** The boards of relief and all civil and military authorities shall furnish them the means within their power to enable the rural population to return to their former places of residence, or those which they may now select, facilitating them the aid, which they may respectively dispose.

**ARTICLE 3.** At the instance of the council of secretaries, and through the department of public works, the preparation and immediate realization of all public works necessary and useful to furnish work and food to the country people and their families who, through lack of means, truck farms, or want of agricultural implements, may not be able to return immediately to the fields, shall be proceeded with, as well as the establishment of soup kitchens, which may settle and cheapen such services.

**ARTICLE 4.** The expenses which the compliance with this proclamation (bando) may originate, as far as they may exceed the means disposed of by the boards of relief, shall be charged to the extraordinary war credit.

**ARTICLE 5.** All previous instructions issued regarding the reconcentration of the country people, and all others which may be in opposition to the compliance of this proclamation, are hereby derogated.

Havana, March 3, 1898.

RAMON BLANCO.

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**REPORT OF THE SPANISH NAVAL BOARD OF INQUIRY AS TO THE  
CAUSE OF THE DESTRUCTION OF THE U. S. B. S. MAINE.**

[Translation.]

No. 33.]

LEGATION OF SPAIN IN WASHINGTON,  
*Washington, April 2, 1898.*

MR. SECRETARY: I have the honor, by order of my Government, to transmit to your excellency the full testimony in the inquiry instituted by the maritime authority of the Havana station by reason of the catastrophe which befell the United States ironclad *Maine* in that port in the night of the 15th of February last, which awful misfortune to the American people has been so deeply and sincerely lamented by the Spanish Government and people.

I improve this opportunity, Mr. Secretary, to reiterate to your excellency the assurances of my highest consideration.

LOUIS POLO DE BERNABE.

To the Hon. JOHN SHERMAN,  
*Secretary of State of the United States of America, etc.*

[Translation.]

STATION OF HAVANA, 1898.

**COMPLETE EVIDENCE IN THE PRELIMINARY PROCEEDINGS IN-  
AUGURATED ON THE OCCASION OF THE CATASTROPHE WHICH  
BEFELL THE NORTH AMERICAN IRONCLAD MAINE, IN THE  
HARBOR OF HAVANA, ON THE NIGHT OF FEBRUARY 15, 1898.**

Judge in charge of the preparation of the case: Captain Don Pedro del Peral y Caballero.

Secretary: Lieutenant Don Javier de Salas y Gonzalez.

I, Don Francisco Javier de Salas y Gonzalez, lieutenant of the first class, secretary of the preliminary proceedings instituted in consequence of the blowing up of the North American ironclad *Maine*, of which court Captain Don Pedro Peral y Caballero is the judge in charge, proceeded to take the whole evidence in the case, which I certify, and it is as follows:

STATION OF HAVANA, 1898.

**PRELIMINARY PROCEEDINGS INSTITUTED IN CONSEQUENCE OF THE  
EXPLOSION WHICH TOOK PLACE ON THE NORTH AMERICAN IRON-  
CLAD MAINE ON THE NIGHT OF FEBRUARY 15, 1898.**

The proceedings began on the same date. The judge in charge, Captain Don Pedro de Peral. Secretary, Lieutenant Don Javier de Salas. A seal with the words: "Office of the Naval Commandant-General of the Station of Havana. Department of Justice."

An explosion, followed by the burning of the North American ironclad *Maine*, having occurred in this harbor at thirty-five minutes past nine o'clock to-night, and in view of the urgency of the case and the want of officers, aides of the naval commandant, at the present moment your excellency will proceed, in the capacity of judge in charge, to institute the proper proceedings, in conformity with the provisions of the law of naval military procedure now in force; and you will designate an officer to act in the capacity of secretary of the proceedings.

God preserve your excellency.

Havana, February 15, 1898. Captain Don Pedro del Peral y Caballero.

HAVANA, *February 15, 1898.*

Let this be recorded as the beginning of these proceedings.

PEDRO DEL PERAL. [Rubricated.]

**APPOINTMENT OF SECRETARY.**

By virtue of the powers conferred upon me by the authority having jurisdiction in the case in appointing me judge in charge, I hereby appoint Lieutenant Don Francisco Javier de Salas, who possesses the necessary qualifications, secretary to act as such in this case.

Havana, February 15, 1898. PEDRO DEL PERAL. [Rubricated.]

**SECRETARY'S OATH.**

HAVANA, *February 15, 1898.*

Lieutenant Don Francisco de Salas being present, I notified him of the appointment given him; and he, upon being informed of it, accepts

**REPORT OF THE SPANISH NAVAL BOARD OF INQUIRY AS TO THE  
CAUSE OF THE DESTRUCTION OF THE U. S. S. MAINE.**

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[Translation.]

No. 33.]

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*Washington, April 2, 1898.*

MR. SECRETARY: I have the honor, by order of my Government, to transmit to your excellency the full testimony in the inquiry instituted by the maritime authority of the Havana station by reason of the catastrophe which befell the United States ironclad *Maine* in that port in the night of the 15th of February last, which awful misfortune to the American people has been so deeply and sincerely lamented by the Spanish Government and people.

I improve this opportunity, Mr. Secretary, to reiterate to your excellency the assurances of my highest consideration.

LOUIS POLO DE BERNABE.

To the Hon. JOHN SHERMAN,  
*Secretary of State of the United States of America, etc.*

which occurred an hour ago on the American man-of-war *Maine*, he said that, happening to be the officer of the deck on board the cruise *Alfonso XII*, he heard, at about half past nine o'clock, an explosion in some place very near his ship, which turned out to proceed from the ironclad *Maine*, which was anchored very near, and which at that moment was on the port side (of the *Alfonso XII*). Immediately cries for help were heard, whereupon all the boats which were in the water together with the fifth boat, were sent to the place of the disaster, as well as all the private boats which were within hail of the ship, and succeeded in rescuing from the water twenty-nine persons, most of them severely injured, who were conducted to the sick bay of the ship and were properly attended to.

All the efforts made to save more persons proved fruitless, as no others were seen in the water and nobody replied to the shouts which the boats directed to the ironclad, it being impossible to jump on board on account of the continuous explosions and the imminent danger incurred in the vicinity of the vessel owing to the increase of the flames, as, for a few minutes after the first explosion, which was the loudest, the ship remained in utter darkness, without any flames on the outside, though they appeared a little afterwards. When the first boats returned with the injured men they said that the ship had sunk by the bow, with a great deal of injury to the rigging and on the outside, and that boats from the *Legaspi* had come to her aid. The wounded men when questioned by the witness, said that they could not imagine how the catastrophe had occurred. Being asked whether the boats of his ship patrolled the bay every day, the witness said that one boat of the *Alfonso XII* patrolled every day from sunset to dawn, and that at the time of the explosion the eighth boat, commanded by the second class sailor, José Lopez Sanchez, was on guard.

Being asked what instructions that commander had, he said that he had general instructions to keep watch in the bay to prevent the traffic of boats not subject to the provisions of the law, and special instructions to pay the greatest attention to the vicinity of the new floating dock.

Being asked whether any violent quivering was felt on board his ship at the moment of the explosion, similar to that which is experienced during earthquakes, he said that nothing was felt except the concussion of the noise, but that the ship experienced no violent shock.

Being asked whether he has any clue by which he can form an opinion as to the cause of the explosion, either from what he has heard or from what he himself has seen, he replied that, although he saw the explosion, he can not say what caused it, nor has he heard anyone say anything that could throw any light on the matter.

Being asked whether the *Maine* was lighted by electricity, he replied that she was.

Being asked whether he knows whether any exercise was being practiced on board the American vessel at the time of the accident, he said he did not know, but that during the day they appeared to him to be drilling, as he saw movements among her guns.

At this point this deposition was suspended, with the reservation of the right to continue it if necessary. The witness read it for himself, affirmed and ratified its contents, and signed it in witness thereof, together with the judge, in the presence of the secretary, who certifies it.

MANUEL TAMAYO. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

JAVIER DE SALAS. [Rubricated.]

TESTIMONY OF THE CHIEF BOATSWAIN, DON NICANOR MAURIS.

At Havana on the 15th February, 1898, appeared the person mentioned in the margin, who, being informed as to what he was about to be questioned, swore to tell the truth, the judge calling his attention to the penalties incurred by those giving false testimony, and being asked the usual questions prescribed by the law, he said that his name is Nicanor Mauris y Garrote, chief boatswain, married, a native of Galicia, of full age, employed in the San Fernando Shears-House with the duties of his rank, and that he is not directly or indirectly interested in the case which is being tried.

Being asked to state all that he knows with regard to the explosion which took place on the North American ship *Maine*, he said that, after 9.30 p. m., he heard a violent explosion in the bay; that he left his house immediately, and saw that it had taken place on the *Maine*; he noticed that a number of lights were ascending in a nearly vertical direction, lights of red and blue colors, which exploded with little noise and without much force. The ship was in the dark at that moment, but, a little afterwards, flames became visible, and detonation resembling those of small shells, like revolver shells, began to be heard. Immediately after the explosion the boats were manned by order of the commandant of the shears, and went to the place of the accident, returning with two wounded men in one boat and four in another, and on the second trip, with three in one boat and two in the other. These injured men were immediately attended to in the barracks of the shears.

Being asked whether, at the moment of the explosion, he perceived a violent agitation of the ground, similar, if not in its intensity, at least in its effects, to that produced by earthquakes, he said that he did not, that he noticed only the noise and the brightness (illumination).

Being asked whether any articles hurled up by the explosion fell in the shears yard, he replied, "No, nor in the neighborhood either."

Being asked whether he knows anything or has heard anything said as to the causes of the catastrophe, he replied that he knew nothing and has heard nothing said.

At this point this deposition was suspended, with the reservation of the right to continue it, if necessary. The witness read it, affirmed and ratified its contents, and signed it, with the judge, in the presence of the secretary, who certifies it.

NICANOR MAURIS. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

JAVIER DE SALAS. [Rubricated.]

TESTIMONY OF FIRST LIEUTENANT DON JULIO PEREZ Y PERERA.

At Havana, on the 15th February, 1898, appeared in this court the officer mentioned in the margin, who, after being informed as to what he was about to be questioned, swore to tell the truth, and was admonished as to the penalties incurred by those giving false testimony.

Being asked the questions prescribed by the law, he said that his name is Don Julio Perez y Perera, first lieutenant in the navy, now in command of the machina (shears) of San Fernando, married, and of full age.

Being requested to state all that he knew with regard to the explosion on the *Maine*, he said that he was standing at the door of his house, situated facing the bay, of one story, on the lands of the navy, near the machina of San Fernando, and that, as he was necessarily

looking toward the place where the *Maine* was anchored, he saw a most brilliant illumination ascending from the ship at the same time that a terrible explosion occurred; that afterwards, hearing shrieks and seeing smoke, he took the necessary steps to succor the victims who might be found.

Being asked whether he had any clue from which the causes of the catastrophe might be conjectured, he said that he had none, but that he thought that it had its origin in one of the magazines of the ship, from the shape in which he saw the smoke, the illumination, and the colored gases rise in the air.

Being asked if he noticed any upward movement in the water around the vessel, he replied that the bay was perfectly smooth, and that he saw no movement in the water nor any disturbance.

At this point the present deposition was suspended, the witness read it, affirmed and ratified its contents, and signed it, with the judge in the presence of the secretary, who certifies it.

JULIO PEREZ Y PERERA. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

JAVIER DE SALAS. [Rubricated.]

#### TESTIMONY OF ENSIGN DON JUAN RAPALLO.

At Havana, on the 15th February, 1898, appeared in this court the officer mentioned in the margin, who was notified as to what he was about to be questioned, and swore to tell the truth, his attention being called to the penalties incurred by those giving false testimony, and, being asked the questions prescribed by the law, he said that his name is Don Juan Rapallo y Ortis, ensign in the navy, serving on the cruiser *Alfonso XII*, unmarried, of full age.

Being requested to state what he knew with regard to the event in question, he said that while he was resting in the cabin of the ship he heard a tremendous explosion, the locality of which he could not even conjecture; that he went on deck immediately, and saw the *Maine* sending up flames and heard loud shrieks for help coming from her; that all the available boats were sent from his ship and the projectors were lighted.

Being asked whether he had formed any opinion as to the causes of the catastrophe, he replied that he thought that an explosion had been begun in the magazines of the ship, more probably in the torpedo magazine than in that of the shells and ammunition.

Being asked whether he had seen that day any manœuvre or movement indicating that some drill was being conducted, he said that he had seen to-day a kind of preparation for battle, in which all the guns and the boat drill had a part.

At this point this deposition was suspended; the witness read it, affirmed and ratified its contents, and signed it with the judge in charge, in the presence of the secretary, who certifies it.

JUAN RAPALLO. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

JAVIER DE SALAS. [Rubricated.]

#### TESTIMONY OF THE SAILOR JOSÉ BALECIRO REY.

At Havana, on the 15th February, 1898, appeared the person mentioned in the margin, who was informed as to what he was about to be questioned, and swore to tell the truth. His attention was called to

the penalties incurred by those giving false testimony, and being asked the questions prescribed by law, he said that his name is José Baleciro Rey, sailor of the second class in the crew of the *Alfonso XII*, unmarried, 20 years of age, and that he has no direct or indirect interest in this case.

Being asked to state all that he knew with regard to the explosion on the *Maine*, he said that he was on duty in the port gangway and saw the *Maine* on her starboard side; that, at exactly half past nine o'clock, he heard a drum beat (toque) on board the American, as if for silence, and that it wanted a few minutes of being a quarter to 10 o'clock, when he heard a tremendous explosion, and saw a very great blaze, like that of many skyrockets, going directly upwards, and then they scattered; that it ascended from about the center of the ship, although, at first, he did not know, and had no idea, whence it came; that the ship then became dark, and that, near the gangway where he was, a thing resembling a large splinter fell in the water, and that, immediately afterwards, he saw fire on the American man-of-war, which was already sinking, although it did not appear so at first, and that all the boats were immediately sent from his ship, and brought back injured men.

Being asked whether he noticed any movement in the water, he said that he did not.

At this point, this deposition was suspended; the witness read it for himself, affirmed and ratified its contents, and signed it with the judge and secretary, who certifies it.

JOSÉ BALECIRO REY. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

JAVIER DE SALAS. [Rubricated.]

TESTIMONY OF THE SAILOR JOSÉ CRESTAR ZARALDO.

At Havana, on the 15th February, 1898, appeared in this court the person mentioned in the margin, who was informed as to what he was about to be questioned and swore to tell the truth. His attention was called to the penalties incurred by those giving false testimony, and being asked the questions prescribed by law, he said that his name is José Crestar Zaraldo, sailor of the second class, apprentice gunner in the crew of the *Alfonso XII*, 19 years of age.

Being requested to state what he knew as to the catastrophe which occurred on board the *Maine*, he said that he was on duty at the castle since 8 o'clock at night, and that all at once, at a little past half past nine, he heard a very loud explosion, and saw a very bright blaze, which dazzled him at first, but that he then saw that it was on the *Maine*.

At this moment the ship was seen to sink, and then explosions were heard, continuing for some time; boats were ordered off from the vessel and returned with wounded men. Being asked whether he noticed any movement in the water, he replied that he did not; that it continued as calm as before.

Thereupon this declaration was closed, and having read it through, and having affirmed and sworn to its contents, and signed the same in proof thereof, together with the judge and the undersigned secretary, who certifies to the same.

JOSÉ CRESTAR. [Rubric.]

PEDRO DEL PERAL. [Rubric.]

JAVIER DE SALAS. [Rubric.]



## DECLARATION OF THE SEAMAN JOSÉ GALLEGO CARRERAS.

At Havana on February 15, 1898, appeared before the judge the person named in the margin who, being advised of the interrogatories to be put to him, swore that he would give true testimony and also having been warned of the penalty of perjury and being asked the general interrogatories required by law, declared that his name was José Gallego Carreras, first-class seaman of the crew of the *Alloué XII*, and artillery apprentice, that he was 19 years old, a native of Mesgardos, province of Coruña.

Being requested to tell what he knew concerning the *Maine* disaster, he replied that he was on watch at the starboard gangway, and that as the *Maine* was on the other side, he only noticed a very loud explosion, a great deal of smoke mingled with shining sparks and that he heard and saw nothing more.

Thereupon this declaration was closed, which the declarant read and affirmed and swore to the same and signed the same with the judge and the undersigned secretary who certifies to the same.

JOSÉ GALLEGO. [Rubric.]

PEDRO DEL PERAL. [Rubric.]

JAVIER DE SALAS. [Rubric.]

HAVANA, *February 16, 1898.*

NOTE.—Don Luis Freixedas, interpreter of the Government, having appeared in consequence of the summons on page 4, was ordered to appear on the next day, and note is made of the same to which I, as secretary, certify.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

## ORDERS.

HAVANA, *February 16, 1898.*

His honor directed that the consul of the United States should be requested, through H. E. the commandant general, to allow the presence in this court of certain officers and seamen of the crew of the *Maine*, survivors of the catastrophe, in order that their testimony might be taken in the present case. Thus his honor directs, in the presence of me, secretary, to which I certify. The interlined part is genuine.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

HAVANA, *February 16, 1898.*

NOTE.—Due notice was given the supreme authority with a view to carrying out the previous orders of the court.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

## NOTE OF THE TESTIMONY OF DEPUTY HEALTH INSPECTOR OF THE NAVY DON JUAN LOPEZ PEREZ.

At Havana, on February 16, 1898, appeared before the judge and the undersigned secretary, the officer named in the margin, who, being advised of the interrogatories which were to be put to him, swore that he would give true testimony, and having been warned of the punishment due to perjury, and having been asked the general interrogatories

required by law, replied that his name was Don Juan Lopez Perez; that he was of age, and deputy health inspector of the first class of the navy, and at the present time chief of the branch at the station.

Being asked to declare what number of wounded men coming from the disaster on the *Maine* he attended during the last night, and in regard to the nature of the wounds which he tended, he said that he assisted in and directed the attendance of all the wounded that came to the "Machina," giving his attention on the arrival of an adequate medical personnel to organizing the ambulance and direction services as chief of the health service at the station. Being asked whether he was able to attend to all these cases with all the requisite implements, he said "Yes," for besides the supplies of the navy, the army, and the fire brigade several private pharmacists supplied at once whatever was needed. Being asked whether he has heard either the said wounded people or the persons communicating with them say anything in relation to the cause that may have occasioned the disaster, he said that he does not know English, but he heard one of the wounded men say that the cause of the event was the blowing up of the powder magazine, a declaration which I did not understand directly for the reason above given, but which I knew by the medium of a civilian acquainted with the language, who was there.

Being asked whether he can give any information as to who that civilian was and whether he remembered the wounded man who made the statement, he said that it was impossible for him to say accurately anything, for at that time of confusion he endeavored chiefly to attend to the organization of the service. Being asked whether he knows approximately the number of wounded men attended under his direction, he said that approximately some twenty-five were attended in the "Machina," he directing that the most seriously hurt be transported to the San Ambrosio hospital, and that those less hurt be transported to that of Alfonso XIII, the injuries being generally the result of wide but not deep burns.

At this stage this declaration was suspended, the witness reading it, fully affirming it, and ratifying its contents and signing it with the judge in the presence of the secretary, who certified it.

JUAN LOPEZ PEREZ. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

JAVIER DE SAAS. [Sign manual.]

#### ORDER.

At Havana, on the sixteenth of February, one thousand eight hundred and ninety-eight, his honor determined to address a polite official note to the jurisdictional authority requesting for an examination of the bottom of the American ship the requisite authority and assistance. So his honor dictated before me, the secretary, who certifies.

JAVIER DE SAAS. [Sign manual.]

PERAL. [Sign manual.]

#### MINUTES.

At Havana, on the sixteenth of February, one thousand eight hundred and ninety-eight, there was delivered to the most excellent commander-general of the station a polite note, in compliance with and to the ends of the beforegoing order. I so certify.

JAVIER DE SAAS. [Sign manual.]

PERAL. [Sign manual.]

## DEPOSITION OF THE CHIEF SURGEON OF THE FLEET D, AUGUSTIN MACHORRO.

At Havana, on the sixteenth of February, one thousand eight hundred and ninety-eight, appeared before this court the officer named in the margin, who, being advised of the object for which his deposition was wanted, swore to tell the truth, he being reminded of the penalties incurred by those who give false testimony, and being asked the usual question, declared himself his name to be Don Augustin Machorro Amenabar, of full age, physician in chief of the navy, employed on board of the gunboat *Magallanes*, and married.

When asked whether he treated any of the wounded men from the *Maine*, and was directed, if so, to tell the number and kind of the wounds, as well as all that he knew in connection with the disaster, he said that from the first moment when he was present on board of the *Machina* he treated several of the wounded, all of them belonging to the crew of the ironclad *Maine*, that they presented, as their general character, extensive and superficial burns, which covered almost all the exposed parts, principally face, arms, and legs; that after he had finished treating those who were on board of the *Machina*, in which he was assisted by several other physicians belonging to the staff, that they likewise went on board of the cruiser *Alfonso XII*, where he also treated persons who had received similar injuries; that he afterwards went on board of the American steamer *City of Washington*, where he saw 24 seamen who had received slight wounds, almost all of them being burns and contusions which had been treated by the physicians attached to the *Maine*, who was already there; that those who were treated by him personally were 4 or 5 on board of the *Machina* and the same number on board of the *Alfonso XII*, although we can not state the precise number. As to the causes, he was unable to say what they were, and when he asked the surgeon on board the American war ship, that surgeon told him the same thing.

This deposition stopped here and the deponent read it and ratified its contents, signing it with his honor the judge and with me, the clerk of the court, who certify.

AUGUSTIN MACHORRO. [Flourish.]

PEDRO DEL PARAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

## DEPOSITION OF THE PHYSICIAN IN CHIEF OF THE NAVY, DON GABRIEL LOPEZ MARTIN.

In the city of Havana, on the 16th of February, 1898, appeared before this court the aforesaid officer, who, being reminded of the reason why his deposition was needed, made oath that he would tell the truth, and having been informed of the penalties incurred by a person who bears false testimony, he was asked the usual preliminary questions. He said that his name was Don Gabriel Lopez Martin; that he was physician in chief of the navy, employed at this naval station; that he was married, and of full age.

Being asked whether he attended the wounded men yesterday who had received their wounds in consequence of the disaster to the *Maine*, and what was the number and kind of said wounds, and being requested to tell all that he knew in connection with the matter, he said that when he heard the explosion, in his house in the navy-yard where he was, and suspecting that it might be some accident of importance in the bay,

which he did judging from the direction in which he saw the light of the explosion, he went to the commandant of the navy-yard, and having there been informed of the orders received from the commandant-general, he went on board of the *Machina* and went to her commander, placing himself at his orders, and went to the part of the vessel occupied by the sailors where the wounded were lodged, treating those who were brought on board after he arrived at 2 o'clock a. m., treating some 15 or 20 extensive burns of all grades and in all parts of the body, caused, for the most part, by the direct action of the flames; he observed in some of them the implantation of grains of powder in various parts of their bodies.

When asked whether he had seen in any seaman or wounded man anything that could throw light upon the causes of the disaster, he said that he heard from a person who acted as interpreter that the causes of the disaster were not known, and that he heard 3 or 4 of the wounded men say that they had no precise knowledge of the fact; that only one, the last one treated, whose wound was less serious, said that it must have been caused by the explosion of a powder magazine; that he did not remember who the person was who acted as interpreter, nor did he remember who the wounded man was; but he thought that he was taken immediately afterwards to the Hospital of San Ambrosio.

This deposition stopped here; deponent read it, ratified its contents, and signed it with his honor the judge and with me, the clerk of the court, who certifies.

GABRIEL LOPEZ. [Flourish.]

PEDRO DEL PARAL. [Flourish.]  
JAVIER DE SALAS. [Flourish.]

DEPOSITION OF DON GUILLERMO FERRAGUT, NAVAL ENSIGN.

In the city of Havana, on the 16th of February, 1898, appeared the aforesaid officer, who, being admonished concerning that which he was to be questioned upon, made oath that he would tell the truth. He was then reminded of the penalties incurred by anyone who testifies falsely, and being asked the usual preliminary questions, he said that his name was Don Guillermo Ferragut y Sborn, a native of Palma, Majorca, 22 years of age, unmarried, naval ensign, doing duty on board of the war transport *Legazpi*, which anchored in the bay last night near to the *Maine*.

When asked to state what he knew concerning the case before the court, he said that he was doing guard duty on board of his vessel, which was anchored very near the *Maine*, and that being in the officers' room at about half past 9 o'clock p. m., he heard a great noise, accompanied by a very bright light, which was caused beyond a doubt by a tremendous explosion, and also by the fall of objects on board and by the falling of a great number of glasses, which from the very first led him to suppose that a disaster had occurred on board. A moment's reflection, however, was sufficient to convince him that the disaster had not occurred on board of his own vessel. He immediately ran up on deck and got there in time to see the things thrown into the air by the explosion. It produced a horrible effect upon him to see the *Maine* all on fire, while continual detonations and explosions of minor importance were going on, these latter explosions succeeding the first great one. He quickly ran to rouse the crew and they were already up and came to meet him, all of them without one exception, being desirous to lend their services at once. They immediately went in the fishing boat and the fifth boat, being unable to go in the third boat because that was entirely submerged. They got into the boats with extraordinary rapid-

ity; less than five minutes elapsed between the time of the explosion and the time when the last of the boats was there rendering aid. It was afterwards learned that our boats were the first to arrive. We sent our small boat to the side of the *Machina* in case the captain of that vessel desired to come on board. Being asked whether at the time when the explosion took place, or soon afterwards, he had observed any motion in the water and whether the vessel suffered any shock or shaking up thereby, he said that he had not noticed anything of the kind whatever. Being asked what further measures he took, he said: That with the men who remained with him he cleared the vessel to make ready for a fire because many inflammable objects kept falling on board of the *Legazpi*.

As soon as these precautions had been taken, he observed that the third boat was sinking because a board had been knocked out of it whereupon he ordered that every effort should be made to prevent its loss; that the damage was caused by a piece of iron apparently from a platform such as those which are used for getting on board, and that also a large piece fell on the awning, which, owing to the fact that it was seen at once, caused only a few burns and other slight injuries; moreover, many glasses in the skylights were broken. The boats of the vessel lent, according to the statements of the men in charge of them, the following services: The first made fast to the *Maine* aft, took up a wounded man, three of the third boat, and three more from one of the American boats, without allowing it to make fast alongside; in view of the fact that the surgeon of the vessel was on shore, he sent it to the infirmary of the *Machina*. He made another trip without any result. The fifth, which was the first that left, found on its trip two men in the water, whom it picked up, and on reaching the vessel, another, whom it turned over to the first boat.

After an explosion, which was one of those that followed, an officer of the ship from the *Maine*, speaking Spanish, ordered them not to remain fastened alongside. The *Chinchorro* (fishing boat) took up 7 men, one of whom was very seriously wounded, and took them on board; they were supplied with clothing and were sent to the *Machina* to have their wounds treated. All the boats, moreover, went around the vessel several times for the purpose of exploration and then they all retired; ours did the same. A boat of the *Maine* afterwards came alongside with 4 sailors in it, who were supplied with clothing by the Spanish seamen, who gave them their own, and who also gave them brandy, and sent them to the *Machina* in one of the ship's boats, the boat of the *Maine* remaining on board.

This deposition stopped here. Deponent read all of it, ratified its contents, and signed it with his honor the judge and with the present clerk of the court who certifies.

GUILLERMO FERRAGUT. [Flourish.]

PEDRO DEL PARAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### JUDICIAL ACT.

In the city of Havana, on the 16th of February, 1898, the bay was searched in order to see if anything from the explosion could be found. Remnants of the vessel were found, but no dead fish, which formed the principal object of this inspection, the result of which is hereby judicially stated.

JAVIER DE SALAS. [Flourish.]

PARAL. [Flourish.]

## ORDER.

In the city of Havana, on the 16th of February, 1898, his honor the judge having received a communication from the warden of the morgue stating that it was extremely urgent that the bodies which had accumulated in that establishment from on board the *Maine* should be buried at once, his honor decided to append said communication to the other papers in this case, and to state in reply that in anticipation of this case his excellency the commandant-general of the naval station has already, in all probability, made suitable arrangements, he having been consulted in concert with the United States consul. His honor so ordered before me the notary who certifies.

JAVIER DE SALAS. [Flourish.]  
PARAL. [Flourish.]

## JUDICIAL ACT.

HAVANA, *February 16, 1898.*

A communication was sent to the officer in charge of the morgue, containing the foregoing order, and his communication was added to the other papers in this case. I certify.

JAVIER DE SALAS. [Flourish.]

## DEPOSITION OF JOSÉ LOPEZ SANCHEZ, SEAMAN.

In the city of Havana, on the 16th of February, 1898, appeared before this court the above-named person, who, having been told concerning what he was to be questioned about, made oath that he would tell the truth, having been warned of the penalty incurred by any witness who declares falsely. Having been asked the usual preliminary questions, he said that his name was José Lopez Sanchez; a second-class seaman belonging to the crew of the *Alfonso XII*; 21 years of age, and unmarried. He stated that he had no interest whatever in the case before the court.

Being asked whether he was in charge of the boat which made the round, he said "Yes." Being asked what instructions he had and whether he was under instructions to watch the bay, he said "Yes, and principally near to the dock." That near the dock and without seeing the *Maine* they heard the explosion, thinking that it was in the dock; but as soon as they saw that it was the American ship they went near it to see if their assistance was needed. When asked whether he observed any motion of the waters he said that he had observed none.

This deposition stopped here. It was then read by the clerk of the court and the deponent ratified it, making the sign of the cross, because he was unable to write, with his honor the judge and the present clerk of the court, who certifies.

[A cross.]

PEDRO DEL PARAL. [Flourish.]  
JAVIER DE SALAS. [Flourish.]

## ORDER.

In the city of Havana, on the 16th of February, 1898, his honor the judge, thinking proper to hear the commandants of engineers and artillery of the naval station and the commandant of the torpedo brigade, in order that he might form a more correct opinion of the fact,

resolved to convoke them in a meeting on the 17th instant at 9 a. m. I was so ordered by his honor before me, the secretary, who certifies.

JAVIER DE SALAS. [Flourish.]  
PARAL. [Flourish.]

## JUDICIAL ACT.

HAVANA, *February 16, 1898.*

. Communications were addressed to the commandant of the navy-yard and the commandant of the torpedo brigade for the purpose stated in the foregoing order. I certify.

JAVIER DE SALAS. [Flourish.]  
PARAL. [Flourish.]

## DEPOSITION OF ENRIQUE IGLESIAS, FIRST-CLASS SEAMAN.

In the city of Havana, on the 16th of February, 1898, appeared the person above named, who, being told what he was going to be questioned about, made oath that he would tell the truth, and being warned of the penalties incurred by any witness who gives false testimony, and being asked the usual preliminary questions, he said that his name was Enrique Iglesias Anido, 21 years of age, and a first-class seaman on board the *Legazpi*.

Being requested to state all that he knew about the explosion on board the *Maine*, he said that he was on watch on deck, and that shortly after half past 9 o'clock he heard a tremendous report and saw fire near the center of the ship, which was sinking, and that he then heard separate reports for some little time.

This deposition stopped here, it being read to him by the clerk, and he ratifying its contents, making the sign of the cross, being unable to write, with the judge and with the secretary, who certifies.

[A cross.]

PEDRO DEL PARAL. [Flourish.]  
JAVIER DE SALAS. [Flourish.]

## JUDICIAL ACT.

In the city of Havana, on the 17th February, 1898, the commandant of engineers, the commandant of artillery, and the commandant of the torpedo brigade of the naval station having met, his honor the judge and the present clerk of the court went in a boat belonging to the *Alfonso XII*, which had been assigned to them for this purpose, near to the American war ship *Maine* for the purpose of making such an ocular inspection as should furnish data that should render it possible to form a correct opinion, or an approximately correct one, of the occurrence concerning which they will sign a separate paper or certificate.

In testimony whereof, this fact is stated, to which I, the clerk of the court, certify.

JAVIER DE SALAS. [Flourish.]  
PARAL. [Flourish.]

OFFICE OF THE WARDEN OF THE MORGUE,  
Havana, February 16, 1898.

I have the honor to inform your honor that there being a large number of dead bodies from the *Maine* in the establishment under my charge, and the decomposition of these bodies being not only injurious to public health but the agglomeration of corpses likewise being dangerous, I trust your Excellency will order their burial, or if not, that you will issue suitable orders.

God guard your honor many years.

FRANCISCO OBREGON MAYON.

To his honor the Examining Judge.

JUDICIAL ACT.

In the city of Havana on the 17th February, 1898. Don Elias Iriarte, commandant of artillery, of the navy, and chief officer of this branch in the naval station, Don Ambrosio Monterro, engineer, chief officer of engineers of the naval station, and Don Francisco Benavente, naval lieutenant, acting commander of the torpedo brigade of the naval station, before the examining judge and the secretary, said: That from the ocular inspection which they were able to make from the boat there was reason to conclude that the explosion was one of the greatest magnitude, and that it took place in one of the forward powder magazines, situated between the foremast and the forward bulkheads of the boiler room; by this explosion the upper deck throughout the said extent was torn off and hurled backwards, knocking down the smokestacks and crushing the superstructure which it found, and the foremast and a portion of the deck was hurled forward. The hinder part apparently sustained no injury, for even the glassés of the skylights are intact, and it may be stated by way of recapitulation, from the effects observed, that the explosion was on the inside. Until a minute examination of the inside and outside of the hull can be made, and until data are available concerning the interior service of the vessel at the time of the occurrence—until then the undersigned can not state with precision the form and manner in which the explosion took place.

FRANCISCO DENAVENTE. [Flourish.]

AMBROSIO MONTERRO. [Flourish.]

ELIAS DE IRIARTE. [Flourish.]

PEDRO DEL PARAL. [Flourish.]

Before me, JAVIER DE SALAS. [Flourish.]

ORDER.

In the city of Havana on the 17th of February, 1898, his honor, the judge, knowing that on board the mail steamer *Colon* anchored in the bay several wounded persons from the *Maine* had been treated, resolved to go on board of the aforesaid vessel, accompanied by the clerk of the court, for the purpose of receiving the depositions of the captain and physician, with a view to investigating whether it was possible to learn the causes of the disaster from the statements of the wounded men. As the persons in question were not then on board, his honor, the judge, ordered that they should be summoned to appear before the court to-morrow.

It was so ordered by his honor before me, the clerk of the court, who certifies.

JAVIER DE SALAS. [Flourish.]

PARAL. [Flourish.]



## JUDICIAL ACT.

HAVANA, *February 17, 1898.*

A communication was sent to the consignees of the mail steamers of Lopez for the purpose mentioned in the foregoing judicial act.

I certify.

JAVIER DE SALAS. [Flourish.]  
PARAL. [Flourish.]

## DEPOSITION OF DON LUIS CAMPS, CAPTAIN OF THE MAIL STEAMER COLON.

In the city of Havana, on the 18th February, 1898, appeared before this court the person above named, who, being informed of the matter concerning which he was to be questioned, made oath that he would tell the truth, he being warned of the penalties incurred by anyone who bears false witness, and being asked the usual preliminary questions, he said that his name was Don Luis Camps y Hechevarria, a native of Santiago de Cuba; of full age, and captain of the mail steamer *Colon*, owned by the Transatlantic Company; he said that he had no interest in the case before the court, either direct or indirect. Being asked concerning the number of wounded from the *Maine* who were cared for on board of the vessel under his command, he said that they were three in number; that they were brought by the boat of the mail steamer *Merica*, of the same company, two of them being very severely wounded, and the removal of one of them to the shore being impossible; he said that the other two were sent ashore after they had received the first treatment.

Being asked whether any of those wounded men had made any statement with regard to the disaster, he said that at first they said nothing, but that on the next day the man who had remained on board of his vessel said that the disaster had been caused by the explosion of the boiler of the dynamo. When asked whether he knew the name of the wounded man who made this statement and in what capacity he was employed on board of the *Maine*, he said that he thought his name was Frank Freixa, and that he was a Swede by birth and a seaman by profession. When asked whether the boats of his vessel went to the scene of the disaster, he said that at the first moment the boat that was in the water was sent, but that it withdrew when the second explosion took place without having effected anything.

This deposition stopped here, and deponent read and ratified it, signing it with his honor the judge, and the present clerk of the court, who certifies.

L. CAMPS. [Flourish.]

PEDRO DEL PARAL. [Flourish.]  
JAVIER DE SALAS. [Flourish.]

## DEPOSITION OF THE PHYSICIAN ON BOARD OF THE MAIL STEAMER COLON, DON JOSÉ MARÍA ACUÑA.

In the city of Havana, on the 18th of February, 1898, appeared before this court the person above named, who, being informed of the matter concerning which he was to be questioned, made oath that he would tell the truth, being reminded of the penalties incurred by anyone who declares falsely, and being asked the usual preliminary questions, he said that his name was Don José María Acuña y Suarez;

a native of Oadiz; married; of full age, and at the present time a physician on board the mail steamer *Colon*; he further stated that he was not interested, either directly or indirectly, in the case now before the court.

Being asked whether he had treated any of the wounded men from the *Maine*, he said that he treated all who were brought on board the steamer *Colon*, who were three in number, and all of whom had received extensive burns of the first and second grade, and one of whom had received contusions in the occipital region and a fracture of the left clavicle, and that there was another who could not be taken ashore, in whom a crepitation was observed in the movement of the heel of the right foot, which led him to suspect that there was a fracture.

Being asked whether he heard statements from any of them that could show the cause of the disaster, he said "No." Being asked whether the state of the wounded man was then such as to permit his removal to the shore, he said "Yes." Being asked whether any officer or person from the ironclad *Maine* or from any other American vessel or any person sent by the American consul had come on board of the *Colon* for the purpose of ascertaining the name and class of the wounded man, he said "No," so far as he knew. Being asked whether he knew the names of the wounded men, he said that he thought he remembered only that of the man who was still on board, which was Frank Freixas.

The deposition stopped here, the witness reading it thoroughly, affirming and ratifying its contents and signing it, with the judge and secretary present, which I certify.

JOSE MARIA SCUNA. [Flourish.]

PADRO DEL PERAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### ORDER.

At Havana, on the eighteenth of February, one thousand eight hundred and ninety-eight, the honorable Judge ordered, to prevent the approach of vessels to the wreck of the *Maine*, excepting war vessels, Spanish and American, and those bearing especial permit, fixing an extent of a hundred meters as a line of protection round the vessel, sending to that effect a polite letter to the superior authority, in order that he should provide what was proper with respect to the patrol service and other guard duty, so that one or several officers appointed for the purpose might watch those boats and recognize suspicious vessels.

His honor thus ordered before me, the secretary. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

#### MINUTE.

Havana, the eighteenth of February, one thousand eight hundred and ninety-eight, two letters were dispatched to the commander-general of the port, to the ends indicated in the above order. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

#### DEPOSITION OF PASCUAL FERRER, PORT PILOT.

At Havana, on the eighteenth of February, one thousand eight hundred and ninety-eight, appeared in this court the individual named in the margin, who, notified of the subject on which he was to be ques-

tioned, swore to tell the truth. He appeared, summoned orally a few moments previous, and he was informed of the penalties incurred by anyone giving false testimony, and questioned as to his legal competency to testify. He said his name was Pascual Ferrer y Juan, a native of Palma de Mallorca, a bachelor, and of age, who stated that he had no interest, direct or indirect, in the cause being tried.

Asked if he belonged to the corporation of Pilots of the Port of Havana, he said no, but he is an auxiliary and coast pilot.

Asked if it was he that brought in the American steamer *City of Washington* on the night of the fifteenth of February, and, if so, at what o'clock did he do it, he said that, as auxiliary and substitute, it was his turn to admit the steamer *City of Washington*, about eight o'clock entering it into port and leaving it fastened to the buoy on the port side of the *Maine* about nine o'clock.

Asked if he noticed anything irregular on the *Maine*, he said no, that the *Maine* was lighted with electricity, and music of accordions and people's voices were heard.

Asked to state what he may know about the explosion, he said that after anchoring the *Washington* a Cuban young lady, who spoke English and who was a passenger, went to the cabin (cámara), where she began to play the piano, and shortly after half past nine o'clock, while listening to her, he heard on the *Maine* a noise as of many rockets, but nothing came outside; that on looking he saw a light towards the bow and simultaneously a noise like two cannon reports; likewise inside, followed by a tremendous noise and by the flight through the air, in a most vivid fire, of the foremast, the deck, and a thousand things; that then he retired, as did all those who were outside, to shelter themselves from the shower of things that were falling upon the steamer, and when they looked again at the *Maine* they saw her on fire, the bow submerged; that this was seen at the time of the great explosion, and they heard the cries of the victims.

Asked what did his vessel do on seeing this, he said that it was ordered to lower the boats to give help in the disaster, and while lowering the first there arrived a felucca and longboat from the *Maine* with captains (Jefes), officers, and seamen; and after the commander of the *Maine*, who was in uniform and without his cap, had spoken with the captain, the latter came to declarer and asked if he could change his anchorage, as he did not like being there, to which the deponent replied there was no objection, loosening the chain and anchoring in front of the first post of the wharf of San Jose. Asked if after the explosion he saw dead fish or knows if there had been any, he said no. Asked if at the moment of the explosion or some instants after there was felt any violent motion in the water, he said no.

At this point this declaration was suspended, it being read by deponent, its contents being affirmed and ratified, he signing it with the judge and secretary present. I certify.

PASCUAL F. JUAN. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### ORDER.

At Havana, on the eighteenth of February, one thousand eight hundred and ninety-eight, his honor directed to request the commander-general of the station to obtain from the commander of the *Maine* direct, or through the consul of the United States at this capital, exact particulars as to the quantity of explosive materials that still remain in

the unburnt portion of the *Maine*, in order to proceed, if necessary, to the extraction by divers of the material still existing, advising him to represent to the consul the urgency for his reply. His honor proceeded to do so, before me, the secretary. I certify.

JAIRES DE SALAS. [Flourish.]

PERAL. [Flourish.]

MINUTE.

At Havana, the eighteenth of February, one thousand eight hundred and ninety-eight, the letter referred to in the above order was dispatched. I certify.

JAIRES DE SALAS. [Flourish.]

PERAL. [Flourish.]

MINUTE.

At Havana, on the eighteenth of February, one thousand eight hundred and ninety-eight, at two o'clock p. m., news was received of the death of those of the crew of the *Maine* that were left on the steamer *Colon*. This is made to appear in the proceeding. I certify.

JAIRES DE SALAS. [Flourish.]

PERAL. [Flourish.]

MINUTE.

Havana, on the eighteenth of February, one thousand eight hundred and ninety-eight, letters were sent to the commanders of *Alfonso XII* and *Legaspi* in order to forward to the court a report of the members of the crew of the *Maine* saved by the men of their vessels and of the individuals on their boats who may have distinguished themselves in this work. I certify.

JAIRES DE SALAS. [Flourish.]

PERAL. [Flourish.]

WAR TRANSPORT LEGAZPI, COMMANDER'S OFFICE.

In answer to your respected letter of to-day I have the honor to state that the number of the wrecked men picked up by the boats of this vessel belonging to the complement of the battle ship *Maine* were: The first boat went alongside the stern of the *Maine* and picked up from there a wounded man, three from the third boat, and three others from one of the American boats, who were sent to the Shears House. The fifth boat found on the way two men in the water, and on reaching the other boat those that delivered it to the first boat leaving the side of the *Maine* and in obedience to orders from an American officer. The fishing smack picked up seven men, who were brought on board. Assistance was given them and clothing furnished. They were afterwards sent to the *Machina*.

A boat from the *Maine* containing four of the wrecked sailors came to the side of the ship. They were taken on board and clothing given to them. Afterwards they were rubbed with rum, and a glass of brandy was given to each one of them. After this they were sent to the cockpit of the *Machina*, as some of them were quite bruised. The boat was left on board. The doctor of this vessel, second physician Don Ramón Robles, as well as the assistant, Don Juan Aragon, rendered from the very first moment all necessary aid in the infirmary

that was established on the *Machina*. Among those who distinguished themselves I will mention in the first place the officer on guard, Midshipman Don Guillermo Farragut, who, through timely orders, succeeded in having in a few moments all the boats alongside of the *Maine*, and the success of saving the wrecked crew was due to this rapid action. Regarding the boat's crew, I will mention, among those who contributed efficaciously to this end, the following: The carpenter of the vessel, Jesús Penela, who, without having any official position in the service, contributed effectively to the rescue, being the first one to take a boat; the third boatswains Niconte Cortés and Andrés Posada, who commanded the first and second boats; the coxswains Juan García and Sebastian Martínez, who commanded the fishing smack and the fifth boat; the first coxswain Rudesindo Becero; the second coxswain José García Quinteros and José Pena, and the sailors Pedro Cervantes, Miguel Escondell, Ygnacio Bastarrechea, Manuel Vasquez Gregorio Perez, Diego Navarro, Manuel Soto, Bernardo Mauris, José Dominguez, Andrés Otero, Felix Rodriguez, Domingo Arenos, Francisco Pomares, Gaspar Melgar, Lorenzo Toxer, Santiago Prega, and fireman Manuel Casal, all of whom went in the boats; and regarding the rest of the crew I can state that all did, to the best of their ability, whatever they could, not only in rendering assistance to the *Maine*, but in preventing this vessel from suffering the consequences of the explosion, helping in the manoeuvre that I deemed opportune, namely, to leave the buoy nearest the seat of the disaster. All the personnel that were on land returned to the vessel at the earliest moment.

I must also state that very timely aid was rendered to this vessel by the gunboat *Antonio Lopez*, which towed us until we reached the channel.

God preserve your honor many years.

On board, at Havana, February 18, 1898.

FRANCISCO F. TISCAL. [Rubric.]

Señor Don PEDRO DEL PERAL,

*Captain of Frigate (Capitan de Fragata),*

*Judge of the Court of Inquiry (Juez Instructor).*

MINUTE.

HAVANA, *February 18, 1898.*

Answer was received to the communication sent to the commandant of the *Legazpu*, of which reference was made in the preceding minute, and it is filed with the proceedings.

ORDER.

HAVANA, *February 18, 1898.*

The judge of the court decided to establish the position of the vessel in the chart of the port, and in order to facilitate this work and to gain time he requested the commandant of the cruiser *Alfonso XII* to have it done by the navigator of his ship.

It was so ordered by his honor, and to this I, as secretary, certify.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 18, 1898.*

A communication was delivered to the commandant of the *Alfonso XII* for the purpose indicated in the preceding decree.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 18, 1898.*

The captain of the Spanish steamer *Martin Saenz* was summoned to appear and give a deposition in this affair. A communication to this effect was put in the hands of his consignees.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

Answer was received to the communication referred to in the preceding minute, said consignee stating that the steamer *Martin Saenz* had left the port. In view of this a new communication was addressed, requesting that they inform this court of the itinerary of said vessel, in order to summon her captain.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## ORDER.

HAVANA, *February 19, 1898.*

Having received a communication from the consignees of the steamer *Martin Saenz*, his honor ordered that it be filed with these proceedings, and that the naval aid of Matanzas be instructed to take the deposition of the captain of the said steamer; and, in order that it be done without delay, the judge ordered that a telegram be sent to the naval aid, informing him of this resolution.

It was so ordered by his honor, and I, as secretary, certify to it.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

Everything contained in the preceding order was carried out, and a communication was sent to the naval aid of Matanzas, inclosing a copy of the questions to be answered.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

The coxswains of the boats of the *Alfonso XII* and *Legazpu*, who went to the rescue of the victims, were summoned to give their deposition in this matter.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

The captain-inspector of the house of M. Pinillos & Company appeared in person and verbally repeated all that he previously said in writing regarding the departure and itinerary of the steamer *Martin Saenz*, and that the boat which the captain took was that of the coxswain, Andrés Mugica, called *Alfonsito*.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

The coxswain of the boat *Alfonsito*, Andrés Mugica, was verbally summoned to appear and give his deposition.

I certify to this.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 19, 1898.*

Several communications were filed with these proceedings, viz, four from his excellency the naval commander of the province; another approving the appointment of secretary; another from the commander of the cruiser *Alfonso XII*, giving an account of the accident, and referred to the court by the proper authorities, and another of this court, which was returned to be filed with these proceedings after having been passed upon by the proper authorities. The communications of his excellency the naval commandant of the province are: First, inclosing another from the naval subdelegate of Casa Blanca, accompanied by a list of articles; second, accompanying a death certificate of one of the crew of the *Maine* on board of the *Colon*, and giving account of same; third, transmitting an official communication accompanied by a report of the action of the captain of the said steamer, and, fourth, requesting, as a representative of the life-savers, a list of those distinguishing themselves.

I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

OFFICE OF THE COMMANDANT-GENERAL OF THE NAVY  
OF THE STATION OF HAVANA. BUREAU OF JUSTICE.

I approve your appointment of Lieutenant Don Francisco Javier de Salas y Gonzalez as secretary of the court having in hand the proceed-

ings brought about by the explosion on board the American war ship *Maine*, which I say to Y. H. that it may be recorded in the said proceedings and in reply to your communication of the 15th instant.  
God preserve Y. H. many years.

MANTEROLA. [Rubric.]

HAVANA, February 16, 1898.

To the Judge Don Pedro del Peral, captain of frigate, commander of the cruiser *Marques de la Ensenada*.

COURT OF INQUIRY.

I beg you will so provide that the captain of the Spanish steamer *Martin Saenz* consigned to you shall appear in this court at 2 p. m. to-day, to depose in the proceedings I am conducting by reason of the catastrophe of the *Maine*.

God preserve you many years.

Havana, February 19, 1898.

PEDRO DEL PERAL, Judge. [Rubric.]

Messrs. Saenz y Compañia.

Communication nineteen.

We can not grant the request of Y. H., as we would gladly do, because the steamer *Martin Saenz* left this port a moment ago for Matanzas.

God preserve Y. H. many years.

Havana, February 19, 1898.

L. SAENZ Y COMPAÑIA. [Rubric.]

To the judge.

COURT OF INQUIRY, OFFICE OF THE  
COMMANDANT-GENERAL OF THE STATION.

I beg you will furnish me with the itinerary to be followed by the steamer consigned to you, *Martin Saenz*, and the probable time of her arrival and departure at and from the ports where she will touch, so as to summon her captain.

God preserve you many years.

Havana, February 19, 1898.

PEDRO DEL PERAL, Judge. [Rubric.]

Messrs. Saenz y Compañia.

Communication nineteen.

She will reach Matanzas to-night; will leave there to-morrow, the twentieth, in the afternoon for Cienfuegos, where she will arrive on the twenty-third, remaining one day. From here she will go to New Orleans, whence we do not yet know with certainty whether she will go to Europe or return to this port.

God preserve Y. H. many years.

L. SAENZ Y COMPAÑIA.

To the judge.

Office of the naval commandant and harbor master of the port of Havana transmits a communication from a naval subdelegate of Casa Blanca regarding the assistance rendered the crew of the battle ship *Maine*, accompanied some articles and a list of the saved.

Most Excellent Sir: The naval subdelegate of Casa Blanca, in a communication dated on yesterday, writes me as follows:

Most Excellent Sir: Last night, at about nine thirty-five o'clock, there was heard a heavy detonation in the harbor, and supposing that some unfortunate accident had occurred, I immediately proceeded, accompanied by Doctor Don Baltazar Moas, of this ward, to the cruiser *Alfonso XII*, in order to render such assistance as might be necessary, sending at the same time bandages from the fire department, as well as some stretchers, for any service that might be required.



I returned a short time afterwards and invited Dr. Don Amadeo los Cuetos to join me. He gracefully offered his services, and having noticed that, due to the prevailing wind, the whole shore was covered with objects belonging to the man-of-war *Maine*, where the catastrophe had occurred, I requested the authorities of this place to render whatever assistance they could to prevent abuses, and the military commander ordered that some of the volunteers of the marine corps belonging to this section should go on guard at different posts. The commander of public order also placed a half dozen policemen, with the same object in view. I afterwards joined the watchman of this ward and the commandant of the public order already mentioned, both of whom aided me the whole day and night, as they are thoroughly acquainted with this coast, until six o'clock in the morning, when I put six men, paid out of my own purse, in three small boats in order to save everything belonging to the vessel already referred to, and to pick up the bodies that might be floating. Five of these and a piece of the chest of another were picked up; all of which I sent to the *Machina*. I also sent in a launch that was lent to me by the heirs of P. Gamiz the articles contained in the list, which I have the honor to send to your excellency.

These articles were transferred in the afternoon to the lighter attached to the stern of the cruiser *Alfonso XII*. Besides these articles, there was a package of letters and documents in foreign language, a watch case, apparently of gold, and a piece of white kid. The captain of the cutter *Olaya* (folio 1019), Don Manuel Villegas, and his companion, D. Rosendo Martinez, delivered at this subdelegation an undershirt in bad condition, inside of which there was a watch and chain, apparently of gold, bearing the number 331134 on both sides, and marked B. W. C. & C. Warranted, 14 K, with the glass completely broken, and the works stopped. Also two caps, a leather case, with a wooden one inside, containing surgical instruments; this box bears the name of the maker, George Tiernum & Company, 107 Park Row, New York. I send these articles to your excellency, with the exception of the two caps and the undershirt, which were delivered with the others mentioned in the list to the cruiser *Alfonso XII*. All of which I have the honor to bring to the knowledge of your excellency for such action as you may deem expedient.

I have the honor to refer all this matter to your excellency, with the original list mentioned above; the last six articles named in said list I send you, the others having been taken yesterday to the *Machina* and transferred to the launch belonging to the stern of the *Alfonso XII*. And conceived it a duty, of which the fulfilment gives him much pleasure, to recommend to the superior authority of your excellency both the conduct observed by the subdelegate of marine of Casa Blanca, Don Emilio Labade, who has demonstrated once more in this occasion the interest and great zeal which distinguishes him in all the acts of the service, and in a manner very special the honorable conduct of Manuel Villegas and Rosendo Martinez, master and mate respectively of the guard-ship *Olalla*.

God guard your excellency many years.

Havana, the 16th of February, 1898.

LUIS PASTOR Y LANDONE. [Flourish.]

His excellency the Sr. Commandante-General of the station, Provi-dencia.

With the annexed report is forwarded to the Sr. Fiscal of the same Havana, the 18th of February, 1898.

MANTEROLA. [Flourish.]

Report of the effects collected on the shore by the *Casa Blanca* and conveyed by the launch *Salvador* to the war ship *Alfonso XII*, belonging to the American cruiser *Maine*, destroyed by an explosion the night of February, 1898.

A case conserves containing 12 boxes.	18 white sail-cloth trousers.
A case conserves, with 10 boxes.	16 white sail-cloth shirts.
48 boxes biscuit.	17 blue-cloth shirts.
12 biscuit boxes, empty.	16 jackets blue drill.
1 American flag.	14 pair blue woolen trousers.
1 Italian flag.	2 uniform jackets.
2 signal flags, with staff.	2 cloth caps.
1 signal flag, American, with staff.	Sundry pieces linen.
1 bucket twisted tobacco.	4 pieces of regalia.
2 empty barrels.	6 fragments of hammock.
2 cloths.	An empty jar.
1 square copper jug.	A small cuartel.
1 cane chair in bad condition.	94 small bags with 24 salvidadas.
10 mattresses.	A cloth (hayaja).
4 pillows.	A compound of metallic cloth.
1 rudder.	A piece of canister.
3 painted stuffs for awning.	A wooden stanchion.
5 painted canvass for clothing.	A piece stanchion.
2 sailcloth awnings with masts.	A plane.
1 broom.	A scale.
1 sailcloth hammock.	A piece of painted wood.
1 empty case containing a flowered jug.	A leather case enclosing one of wood
A roll of goods and several pieces of	containing surgical instruments, a metal
sail.	plate in the upper part having the fol-
2 whisks.	lowing inscription: "Genito - Urinari.
8 brushes for bitumen.	Case Medicinal, department U. S. N."
An empty valise.	A watch with chain, apparently gold,
A pair of spatterdashes.	with the number on both lids 331134,
15 black caps.	mark B. W. C. X. C. Warranted, with
6 pair socks.	crystal completely broken and works
1 pair shoes.	stopped.
1 pair boots.	A memorandum book.
Small empty box with broken hinges.	Package papers and letters and sundry
1 sail-cloth pouch.	photographs.
1 sail-cloth bag.	A watch case, apparently gold, with the
Sponge of cannon.	number 603273.
6 blankets.	A piece white kid.

CASA BLANCA, 17th February, 1898.

The Subdelegado EMILIO LAVATE: [Flourish.]

A seal which says Subdelegation de Marine of Casa Blanca. Military Commandancy of Marine and Captaincy of the Port of Havana.

NOTICE OF THE DEATH OF THE SAILOR OF THE AMERICAN WAR-SHIP MAINE, FRANK FISCHER.

Your Excellency: I regret to have to inform your excellency of the death, at 12.30 this day, of heart failure, of the sailor of the American warship *Maine*, Frank Fischer, who was brought to this ship on the night of the blowing up of the said ship. Which I have the honor to communicate to Y. E. for your superior resolution, adding that as soon as the said information was communicated to this ship a special boat from this vessel received the corpse and brought it to the vessel for the disposition of the judge instructor in the matter of the catastrophe of the *Maine*.

God guard your excellency many years.

Havana, February 18, 1898.

LUIS PASTOS. [Flourish.]

His Excellency Comandante-General of the Station Providence.  
The accompanying document addressed to the Sr. Fiscal, of Havana.  
February 18, 1898.

MANTEROLA. [Flourish.]

Steamer *Colon*.

The undersigned, physicians of this ship, declare that at 12.30 to-day there died in our hospital Franck Ficher, who was wounded in the accident to the *Maine*, in consequence of heart failure, which, by sudden complications, caused his decease. He received the last spiritual ministrations appropriate to his failing condition, to which witness is given with regret.

God guard your excellency many years.

Bay of Havana, February 18, 1898.

JOSE MARIA ACUNA. [Flourish.]

AMADEO ARIAS. [Flourish.]

*Sr. Captain of the Steamer Colon.*

Cruiser *Alfonso XII* Captaincy. Number 909:

Your Excellency: I regret to inform your excellency that last night the American war ship *Maine* exploded and sank in the neighborhood of this vessel. Immediately seven vessels were sent to render the necessary assistance, together with the guard ship *Alonsito*, the property of Andres Mogica Chacharra, which, from the first moment, was placed under our orders. Twenty-nine persons were rescued from the water, most of them with severe wounds and bruises, who were relieved by the *Martin Saez* and the *Casa Blanca*, and others arriving afterwards, to offer assistance.

The increasing heat made it impossible to board the American vessel or to rescue a great number in spite of the most desperate exertions and the incessant explosions of war material endangered their lives. As we were about quitting the scene of the catastrophe Y. E.'s order arrived to watch the ship, for which purpose Antonio Lopez was placed under my orders, who towed us and anchored us to ground ways No. 1. During all the night the fire continued on the *Maine*, watch being kept around her. In the morning more aids were sent. This is what I have the honor to communicate to your excellency in fulfillment of my duty.

God guard your excellency many years.

A bordo,

Havana, 16th February, 1898.

MANUEL DE ELISA. [Flourish.]

His excellency commander-general of the station.

Providence. Address to the Sr. Fiscal of the same. Havana, February 18, 1898. [Flourish.] Military command of marine and captaincy of the port of Havana.

OFFICIAL REPORT OF THE CAPTAIN OF THE MAIL STEAMER COLON  
OF EFFECTUAL SUCCORS TO THE SAILORS OF THE CRUISER  
MAINE.

Your Excellency: The captain of the Government mail boat *Colon* under date of to-day writes to me as follows:

Your Excellency: The undersigned, captain of the mail boat *Colon*, has the honor to inform Y. E. that at 10 o'clock last night, after the explosion on the American battle ship *Maine*, aids were dispatched from this boat

and the *Mejico*, and the latter brought three wounded sailors, John Jafhe, gunner, Washington Cook, who were brought to this hospital, and Frank Fischer, sailor, who remained on board because the surgeon of the vessel did not think him fit to be moved. According to the report made to me to-day that the gravest symptoms have disappeared he may be removed at the pleasure of Y. E. Annexed I have the honor to add the medical reports which I have the honor to communicate to Y. E. for what action he may deem proper in the matter of the unfortunate accident to the war ship *Maine*.

It is my duty to add that the captain of the ship informed me verbally that the wounded man was in a very serious condition, for which reason he was not disposed to disembark him.

God guard Y. E. many years.

February 16, 1898.

LUIS PASTOR. [Flourish.]

His excellency Sr. commander-general of the station.

Providence. With the annexed documents presented to the Sr. Fiscal.

Havana, February 18, 1898.

MONTEROLA. [Flourish.]

At 2 this morning the wounded man, Frank Fischer, showed a reaction, which, at this hour, 8 in the morning, still continues. Being no longer in the immediate danger which caused his presence in our hospital it is deemed expedient to remove him to whatever place you may decree. Which is communicated for your information and other effects.

God guard your excellency many years.

Bay of Havana, February 16, 1898.

The surgeons,

AMADEO ARIAS. [Flourish.]

JOSÉ MARÍA ACUNA. [Flourish.]

In the hospital of this ship, and about 10 o'clock last night, we attended for the first time two white and one colored sailor of the North American battle ship *Maine*, whose cases present: The white, Frank Fischer, burns of first and second grade all over his face, anterior part of chest and abdomen, upper extremities, and both feet. There is observed also a great swelling of the right tarso-tibio joint, extending all over the foot which prevented us from localizing the seat of the malignant soft rattling which was perceptible on the movements communicated by the extension and flexion of the foot over the leg, and perceived more distinctly toward the heel. The second of the sailors, John Coffe, white, like the former, presented in the upper portion of the head and near the occiput and on the left side two contused wounds, one lineal, about four centimeters in length, extending over all the soft parts except the periostio. The other contiguous to the first and more to the left and lower down, was of irregular outline and bruised, anfractuous and extended to the bone including the periostio.

No perceptible wound or symptom of cerebral disturbance. The same person had in the anterior part of the head a slight erosion of small importance and a fracture of the outer extremity of the left clavícula. There were also burns of the first grade on the arms and shoulders. The negro named Washington has wounds of first and second grade over his whole face, neck, and anterior region of chest and upper extremities. The general condition of the two last wounded men was

sufficiently good for them to be removed to a convenient place. On the contrary, the condition of Frank Fischer is such that, considering the possible grave contingencies of a removal, we have ordered that he be placed in the hospital, which, with the natural regret that we feel, is communicated to you.

God guard your excellency many years.

Bay of Havana, February 13, 1898.

The surgeons,

AMADES ARIAS. [Rubric.]

JOSE MARIA ACUÑA. [Rubric.]

EXAMINING COURT OF THE  
COMMANDING GENERAL OF DOCK-YARDS.

Excellency: I have the honor to inform Y. E. that, in order to continue the hearings in the matter of the lamentable accident to the North American battle ship *Maine*, it has been necessary to take the depositions of the survivors of the said ship, and having received notice that among these were the commander of the vessel and various officers, it would be proper to take the declaration of the first and the declarations of two or three of the officers. For this purpose I address myself to Y. E., in order that you may be good enough to decide.

God guard Y. E. many years.

Havana, February 16, 1898.

PEDRO DEL PERAL. [Rubric.]

His Excellency the Commander-General of the Dockyard.

ORDERS.

The presents shall be transmitted to H. E. the illustrious Governor-General of this island, requesting the appearance of all the parties in interest, and that the present document be returned to the examining judge in the case.

Havana, February 16, 1898.

MANTEROLA. [Rubric.]

Office of the military commandant of marines and of the captain of the port of Havana. To duly comply with the wish of the Spanish society for saving the lives of sailors, which I represent in this island, and in order that the distinguished deeds may not remain unknown and unrewarded, performed by those who at the risk of their lives had been enabled to take part in the rescue of the survivors of the *Maine*, as the result of its explosion, I address myself to you in order that you might be good enough to inform me of their names and acts which were worthy of reward.

God guard you, etc.,

Representative general, LUIS PASTOR,

*Examining judge, in the investigation concerning  
the explosion on the Maine.*

Havana, February 18, 1898.

DECLARATION OF CABO DE MAR DE PRIMERA MIGUEL BARBAR.

Havana, February 19, 1898, there appeared in this court the person named in the margin, who, having been advised concerning the interrogatories to be made, declared on oath that he would speak the truth, and having been further advised of the punishment incurred by

one swearing falsely and having had the usual questions required by law put to him, declared as follows: That his name was Miguel Barbar y Soriano, Cabo de mar de primera, employed as one of the crew of the cruiser *Alfonso XII*; that he was 31 years old, married, and declared that he had no interest direct or indirect in the investigation which was now being conducted.

Being asked whether he proceeded in command of any boat from the vessel on which he was employed for the purpose of assisting the victims of the *Maine*, and that he should tell what he did for them, he replied that on hearing the explosion he sprang up and, on learning what had occurred and hearing the order to man the boats, he went by the "tangón" to the first lifeboat of his vessel, of which he was the captain, in which six mariners and second gunner's mate Dominguez embarked.

The declarant going in his drawers and shirt, as no time was allowed for him to dress himself. That he reached the American vessel with difficulty, since there was much timber and wreckage floating in the water, and that on reaching it they passed to the port side about midships, passing for this purpose over the remains of the vessel, across the prow and between what remained of the vessel and the foremast, which was now in the water; that he passed under the stern of the sixth lifeboat of the *Alfonso XII*, which was likewise there, and which delivered to him eight wounded men, all taken from on board the *Maine* by the sailors of the *Alfonso XII*; that he then proceeded with them to his vessel in order that they might receive attention, and going all the sooner because a sailor of the *Maine*, whom he could not see, but whom he thought was a machinist of the first class, told them that they should leave and get out of the way, because there was danger. On reaching his vessel, after placing the wounded on board, they undertook the task of unmooring their vessel in order that it might change its anchorage.

Being asked whether he noticed any movement in the water, he answered that as they were going he did notice it, caused by the rain of articles which fell, still on fire, and by the commotion of the explosion. Thereupon this declaration was closed, and having read it he affirmed the same and swore to its contents, signing it with the judge and the secretary now present, who certified the same.

MIGUEL BARBAR. [Rubric.]

PEDRO DEL PERAL. [Rubric.]

JAVIER DE SALAS. [Rubric.]

#### DECLARATION OF ROGALIO UFORT Y ECHEVERRIA.

Havana, on February 19, 1898, appeared in this court the person named in the margin, who, having been advised of the interrogatories to be put to him, swore that he would speak the truth, and who, likewise warned of the danger incurred by perjury and being asked the usual questions required by law, declared that his name was Rogalio Ufort y Echeverria, a native of Maniños, Ferrol Road, 26 years old, a bachelor, and brother of the owner of the boat *Carmen*, which was manned that same night, having declared that he had no interest in the examination now being conducted, he was asked whether on the night of the 15th he carried the captain of the steamer *Martin Saenz* to the *Eustraro*. He replied that on that day, at 4 in the evening, he proceeded from the San José wharf, where the *Martin Saenz* was moored, to the *Eustraro*, which was moored at Friscornia, opposite to the Belot

sugar refinery, and that on his way there he passed round the *Maine* without perceiving anything.

Being asked at what hour he returned from the *Eustraro*, and whether he knew anything of the *Maine* explosion, he replied that on that day about 9 o'clock he was carrying the captain of the *Martin Saenz* from the *Eustraro* to the San José wharf, when, being at a distance of about 50 or 60 meters from the *Maine*, and in a line therewith on the port side, he felt the explosion, and some of the objects began to fall around the boat, but none therein; and that they splashed the captain and the declarant, but that they did not notice any more movement in the water than that, he and the captain sheltering themselves under the awning and proceeding slowly toward the San José wharf on seeing that nothing further occurred. He did not see whether the vessel sank or no, as they were only occupied in getting out of the way. Thereupon this declaration was closed, and he, having read the same and affirmed and sworn to the truth of its contents, signed with the judge in the presence of the secretary who certifies.

ROGLIO USFORT. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

JAVIER DE SALAS. [Sign manual.]

#### DEPOSITION OF THE BOATMAN AURELIANO MUGICA.

At Havana, the nineteenth day of February, eighteen hundred and ninety-eight, appeared the individual named in the margin, who, being informed as to what he was to be interrogated about, swore to tell the truth with a knowledge of the penalties imposed upon those who give false testimony, and the usual questions being put to him, he said that he is and calls himself Aureliano Mugica y Valencia, native of Bermeo, thirty-three years old, married, boatman, manning the boat called *Alonsito*, who declared that he had no interest whatever in the case which is being investigated.

Being asked to declare what he knew about the explosion occurring in the *Maine*, he said that shortly after half past six, with another companion, he went toward the *Eustrara* to see if the machinists, his countrymen, should want to come to land. They told him no, and that he eat and drank there a little, coming, shortly after a quarter past nine, towards land, hearing that from the *Segaspo* they gave him the boat ahoy, replying loud, perceiving at this moment a very vivid flash and a very great detonation, such as has never been greater, and when he recovered from the fright he heard cries and went towards the *Alfonso XII*, where he gave the alarm and where they called him to go in aid of the victims; that there embarked there an officer and a petty officer and they went towards the *Maine*, picking up at its larboard side two wounded who were swimming and supported on tables on the water, taking them to the *Alfonso*. And in this state this deposition was suspended, reading it, and signing it, and ratifying it in full, signing it with the judge and secretary present, which I certify.

AURELIANO MUGICA. [Sealed.]

PEDRO DEL PERAL. [Sealed.]

JAVIER DE SALAS. [Sealed.]

#### DEPOSITION OF THE CABO DE MAR, THE FIRST JOSE ENSENATA.

At Havana, the nineteenth February, eighteen hundred and eighty-eight, appeared in this court the individual mentioned above, who being informed of what he was to be interrogated, swore to tell the truth, and

doing so with a knowledge of the penalties visited upon those who swear falsely. Being asked the general questions, he said he was and called himself Jose Ensenata Rubio, first Cabo de Mar, enlisted in the crew of the *Alfonso XII*, who declared that he had no interest, direct or indirect, in the cause under investigation. Being asked what he knew about the explosion occurring in the *Maine*, he said that he was lying down, although awake, in the cockpit, and that upon hearing the detonation he went up on deck, embarking, by order of the officer of the guard, in the boat of which he is master, going immediately to the *Maine*.

Being the first boat to arrive, coming alongside its starboard side, at the fashion pieces; that in the roundhouse of the American (vessel) there were some ten or twelve men that he saw who had been thrown into the water, grasped at the *bosa* of his boat; that he took them out of water and already in his boat he saw that they had been wounded; that at this moment arrived Alferez de Navio D. Guillermo Colmenares in a *Quadraa* and he jumped aboard remaining already at his orders; sheering off in a little while because no one more was seen going aboard; and in this state this deposition was suspended, being read by himself, signing and ratifying it in full and signing it with the judge and secretary present; which I certify.

JOSE ENSENATA. [Sealed.]

PEDRO DEL PERAL. [Sealed.]

JAVIER DE SALAS. [Sealed.]

#### DECREE.

At Havana, nineteenth of February, eighteen hundred and ninety-eight, coming the judge, who from the depositions of the sailing masters could deduce nothing as to the cause of what happened, all of their depositions being to the same effect, he decided not to take the depositions of the rest of the cabos de mar (petty officers) in charge of the boats of the cruiser *Alfonso XII* and *Segazpi*. He decided as well to take the deposition of the quartermaster of the steamship *Colon* and certain persons of the *Alfonso XII*, who were on the left-hand side, according to advices of the court. His lordship thus decreed before me, the secretary, which I certify.

JAVIER DE SALAS. [Sealed.]

PERAL. [Sealed.]

#### PROCEDURE.

HAVANA, *February 19, 1898.*

There were cited, by official notification, the quartermaster of the *Colon*, through his consignees, and verbally, the persons on the cruiser *Alfonso XII*. I certify.

JAVIER DE SALAS. [Sealed.]

PERAL. [Sealed.]

#### PROCEDURE.

HAVANA, *February 20, 1898.*

It appears judicially that the quartermaster of the steamship *Colon* did not appear at nine o'clock in the morning of to-day, February twentieth, according to the summons issued. I certify.

JAVIER DE SALAS. [Sealed.]

PERAL. [Sealed.]



## DECREE.

At Havana, February twentieth, eighteen hundred and ninety-eight, the presiding judge resolved to send a private communication to the jurisdictional authority, giving it an account of the general aspect of the case and of the resumé of impressions that can be deduced from the work in this case, in order, if it should be thought proper, to turn it over to the Government of His Majesty, and to annex to these proceedings a copy of this letter as proof. Thus his lordship declared before me, his secretary, which I certify.

JAVIER DE SALAS. [Sealed.]  
PERAL. [Sealed.]

## COURT OF INSTRUCTION.

Excellent Sir: Thinking it proper, in view of the importance of the unfortunate accident occurring to the North American ironclad *Maine* to anticipate, although in reserved character, something of that which in brief will form part of the opinion of the fiscal (attorney-general upon that which I undersign, and in case your excellency should think it opportune and proper to inform the Government of Her Majesty thereof, I have the honor to express to your excellency that from the judicial proceedings up to to-day in the matter, with the investigation of which you charged me immediately after the occurrence of the catastrophe, it is disclosed in conclusive manner that the explosion was not caused by any action exterior to the boat, and that the aid lent by our officers and marines was brought about with true interest by all and in a heroic manner by some.

It alone remains to terminate this dispatch that when the court can hear the testimony of crew of the *Maine* and make investigation of its interior some light may be attained to deduce, if it is possible, the true original cause of the event produced in the interior of the ship. God guard your excellency many years.

Havana, April 20, 1898.

PEDRO DEL PERAL. [Sealed.]  
ESCOPIA JAVIER DE SALAS. [Sealed.]

Excellent sir, Commandant-general of the apostadero adjutancy of marine of the district and captaincy of the port of Matanzas:

I return to Your Excellency the annexed extract finished in the captain of the Spanish ship *Martin Sainz*. D. Jose Manuel Ozamiz. God guard your excellency many years.

Matanzas, February 20, 1898.

JUAN VIGNAN. [Sealed.]

Judge instructor, Captain of the Frigate Don Pedro Peral; Don Pedro del Peral y Caballona, captain of the frigate of the Armada, judge instructor of the proceedings instituted with regard to the explosion which took place on board the North American ironclad *Maine*:

To the military adjutant of marine of the district of Matanzas, I respectfully salute and make known that in the indicated proceedings it has been decided to receive the deposition of the captain of the steamship *Martin Sainz*, who has his residence therein, and to this end I address your excellency this letter in order to exhort and require you in the name of Her Majesty, and to ask and charge you in mine, that as soon as it is within your power you acknowledge receipt and devote yourself to carrying it out, taking the deposition in conformity to the

annexed interrogatory in accordance with the questions set forth in it, and others which may be derived therefrom and may be pertinent, and when sworn to return the same to me with its results; then having done this you will administer justice which I giving obligation to another as well as to your excellency when it should be necessary.

Havana, February 19, 1898.

PEDRO DEL PERAL. [Sealed.]

Questions to which the person interrogated, whose examination is solicited, must be subjected: First, the usual general legal questions. Second, if he went to visit in the night of the fifteenth of the present month the captain of the steamship *Euskaro*, and at what hour. Third, at what distance did you pass from the North American ironclad *Maine* when you went toward the *Eustaro*, and if you observed anything on the *Maine* which attracted your attention? Fourth, in what boat did you go, and the name or names of its crew? Fifth, at what hour did you return to the *Eustraro*, if you did so in the same boat; at what distance did you pass from the *Maine*; if you observed fire signals, how much time approximately did you see the fire before the explosion; who talked with the member or members of the crew of the boat, and tell all the phenomena that were presented, with the largest number of details possible. The chief (jefe) having charge of the taking of these interrogatories will ask such questions as he may consider pertinent and which may be deduced from the declarations of the captain.

Havana, February 19, 1898.

PEDRO DEL PERAL. [Seal.]

Don Juan Vignan y Vigmor, Captain of Frigate of the *Amada*, adjutant of marine of the district, and captain of the port of Matanzas:

Nomination of secretary having to undertake the annexed command in the captain of the steamer *Martin Sainz*, anchored to-day, day of the date in this port, I have nominated secretary of this cause M. Antonio Marzol y Rosa, who is possessed of the necessary qualifications.

Matanzas, February 20, 1898.

JUAN VIGNAN. [Seal.]

ACCEPTATION AND OATH OF SECRETARY, AT MATANZAS, FEBRUARY 20, 1898.

Present, the secretary.

He caused to be made known the nomination which resulted, and being informed thereof, as well as the duties of his office, he took oath to discharge them well and faithfully, subscribing with me these presents for record.

ANTONIO MONZEL. [Sealed.]

JUAN VIGNAN. [Sealed.]

ORDER.

MATANZAS, February 20, 1898.

Annex the interrogatories to this record and summon the captain of the steamer *Martin Saenz* to appear to give evidence as is proper.

JUAN VIGNAN. [Rubric.]

## MINUTE.

In Matanzas, on February 20, 1898, I record that the said captain of the steamer *Martin Saenz* was summoned to answer the interrogatories at the head of these proceedings. I certify thereto.

ANTONIO MARZAL. [Rubric.]

VIGNAN. [Rubric.]

## DEPOSITION OF DON JOSE MANUEL OZAMIZ.

In Matanzas, on the 20th of February of 1898, before the judge and me, the secretary, appeared Don José Manuel Ozamiz. His honor, after instructing the deponent of his obligation to tell the truth, and of the penalty inflicted by the code on the offense of false swearing in a criminal cause, administered to him the oath, which he took according to law, and replying to the first question of the interrogatories, said that his name was José Manuel Ozamiz, a native of Bilboa; the son of Manuel; 43 years of age; married; a member of the Roman Apostolic Catholic Church, and at present captain of the Spanish steamer *Martin Saenz*.

Being interrogated in the words of the second question, he said that the day about which he was asked, he went to visit the captain of the steamer *Eustraro* about 4 p. m., on which vessel he dined.

Being interrogated with the words of the third, he said that he passed near the Regla warehouses and about a cable's length from the battle ship *Maine*, and he saw nothing to attract his attention.

Being interrogated in the words of the fourth, he said that the cutter in the service of the company (and he is ignorant of the name of the master, although the house to which the vessel was consigned there—Messrs. L. Sainz & Compania ought to know it—which house can also give the name of the master, the only one on board) (sic).

Being interrogated in the terms of the fifth, he answered that he left the *Eustraro* to go on board his own vessel about 9.30 at night on the same cutter and with the same master.

On passing the Regla warehouses, as he was coming from the direction of Triscornia, where the steamer was anchored, to his own, which was at the San Jose warehouses, he passed about a cable's length from the *Maine*, and he suddenly saw a great light bursting from the vessel and almost instantly heard a great explosion. The man at the oars arose frightened, embraced the deponent, and got under the awning of the cutter, and after he had recovered from his fright they proceeded to the *Martin Saenz*, at the San Jose wharf. Being asked if he heard one explosion or more, he replied that he only heard one, and that afterwards flames were seen all over the vessel.

Being interrogated if he had anything further to state, he said he had not; that what he had stated is the truth under the oath taken.

And his deposition being read, he found it correct and signed it for record, together with the judge and the subscribing secretary.

JOSE MANUEL DE OZAMIS. [Rubric.]

JUAN VIGNAN. [Rubric.]

ANTONIO MARZAL. [Rubric.]

## MINUTE.

MATANZAS, February 20, 1898.

The judge ordered these proceedings to be sent to the judge who issued the interrogatories. An entry was made.

ANTONIO MARZAL. [Rubric.]

VIGNAN. [Rubric.]

## MINUTE.

HAVANA, *February 20, 1898.*

The communication to which the foregoing proceedings refer was sent together with the said copy. I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 20, 1898.*

An official communication was sent to the commandant of the navy-yard and the commandant of the *Magallenes* requesting them to transmit to this court a statement of the assistance rendered to the victims of the *Maine* and of the men that may have distinguished themselves. I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## ORDER.

In Havana, on February twentieth of 1898, his honor ordered that several photographs, conveying an idea of the effects of the explosion, be attached to the proceedings. I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## ORDER.

In Havana, on February twentieth of 1898, the chart of the port of Havana, showing the location of the *Maine*, and the interrogatories answered by the captain of the Spanish steamer *Martin Saenz* having been received in this court, his honor ordered that they be annexed to the proceedings. He also ordered that the chief diver of the port be summoned to appear and depose as to the nature of the bottom and depth of the harbor at the place where the *Maine* rests, and as to the prevailing wind at the time of the catastrophe. His honor so ordered before me, the secretary, who certifies thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 20, 1898.*

Everything contained in the foregoing order has been complied with, and I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 20, 1898.*

After notice from the commander of the *Maine*, the court, at 10.30 a. m. went on board the North American steamship *Mangrove* to confer with the said gentleman, who expressed his desire that his honor should

witness, in the vicinity of the *Maine*, the work of the official diver who would go down on that day to begin the inspection of the bottom toward the bow, completely submerged. The court was transferred to the said vicinity in a boat from the *Machina* of San Fernando, and witnessed the descent of the diver at 11.15 o'clock, who reappeared at 11.45. The second officer of the *Maine*, who arrived at this moment, stated, after speaking with the diver, that the latter had seen a good deal of mud, adding that the work would be continued at 1 p. m. At the said hour the court again met at the same place, and at 1.50 the diver went down again, coming up at 3.15, bringing up with him a copper cylindrical tube of thin plates, some 40 cen. in length by 15 in diameter. The diver again went down, coming up in a short while, without making any statement whatever of importance. And in order that a record be made, a minute is entered, to which I, the secretary, certify.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## ORDER.

In Havana, on the twenty-first day of February of 1898, his honor ordered that an attentive official communication be sent to the commandant-general of the station, requesting him to again authorize the inspection of the bottom of the *Maine* by the divers from the navy-yard, and to annex a copy of that communication to these proceedings for record. His honor so ordered before me, the secretary, who certifies thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *February 21, 1898.*

The foregoing order was complied with. I certify thereto.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## DEPOSITION OF THE CHIEF DIVER OF THE PORT, DON FRANCISCO ALDAO.

In Havana, on the twenty-second day of February, 1898, there appeared in this court the party summoned on the margin, who, being advised of the matters upon which he was to be interrogated, made oath to tell the truth, he being also informed of the penalties incurred by him who declares falsely under oath.

Being asked the usual preliminary questions, he said that he was named Francisco Aldao y Sixto, a native of Galicia, of lawful age, the chief pilot of the port, and that he had no interest whatever, direct or indirect, in the matter in hand. Being asked the draft of the battle ship *Maine*, the depth of water at the anchorage, the class of moorings, the nature of the bottom, the fluctuation of the tide, the state of the latter on the night and hour of the occurrence, and the prevailing wind at that moment, he answered that according to the statement of the commander to the pilot who brought him in, the vessel drew 23 feet; that at the anchorage, at the place of mooring, which was Government buoy No. 4, there were 28 feet at low tide, and in the neighborhood as much as 36 feet; that the bottom, where the forward part of

the vessel now rests, is muddy, and that the fluctuation of the tide is, generally, a foot and a half; that he does not remember the state of the tide at the time of the occurrence, and that the prevailing wind then was very light from the fourth quadrant; the bay being absolutely calm.

Being asked if after the occurrence he made any inspection in the vicinity of the *Maine* and in the west of the bay, and whether he has observed or has any information through his subordinates of any dead fish being found in the harbor, he said that at daybreak of the day following the occurrence he himself went, together with another numbered pilot of the port, to sound around the vessel and to see whether the vessel had lost her moorings when blown up; that he found them in the same place and did not notice, as a result of the soundings, any obstacle in the port other than the vessel itself; he did not find a single dead fish in his excursion, and having asked of all the pilots and many boatmen and people of the bay, no one saw them.

Being asked whether fish was plentiful in the bay and if there was anyone engaged in this calling in the interior of the harbor, he said that small fish is very plentiful in the interior of the harbor and that there are several engaged in fishing there.

Being asked whether he has heard or knows anything which may assist in the elucidation of the event which occurred on the *Maine*, he said that he neither knows nor has heard absolutely anything, and at this stage this deposition was suspended, the witness reading it, affirming and ratifying the same and its contents, and signing it with the judge in the presence of the secretary, who certifies it.

FRANCISCO ALDAO. [Sign manual.]  
JAVIER DE SALAS. [Sign manual.]

## MINUTES.

HAVANA, *February 22, 1898.*

The judge, accompanied by the secretary, repaired to the steamer *Mangrove*, where he conferred for a long while with the captain of the said steamer and the commander of the *Maine*, Mr. Sigsbee. On his return, he inspected the wreck of the American ship, where the divers were at work, and in order that it may be of record it is set forth by means of minutes which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]  
PERAL. [Sign manual.]

## MINUTES.

HAVANA, *February 23, 1898.*

The most excellent inspector of military health was officially written to and requested to submit an account of the assistance rendered by the military medical professors and the names of the same for the records of the proceedings. I so certify.

JAVIER DE SALAS. [Sign manual.]  
PERAL. [Sign manual.]

DEPOSITION OF THE "CABO DE MAR" OF THE SECOND CLASS  
ANTONIO VARELA LOPEZ.

At Havana, on the twenty-third of February, one thousand eight hundred and ninety-eight, appeared before the court the person named in the margin, who being informed of that about which he was to be

interrogated, swore to tell the truth, being reminded of the penalties incurred by those who give false testimony; being asked the usual questions of the law declared himself in his name to be Antonio Varela Lopez, "Cabot de Mar" of the first class, on duty at the navy-yard, a bachelor twenty-six years old, and declared that he had no interests whatever in the case under investigation.

Being asked to depose when and why he went to the *Maine* in the night of the 15th instant, he said that by order of the adjutant major of the navy-yard shortly after the explosion he set out in a rowing boat with the adjutant major on board towards the *Maine*, but as they came near a certain number of shells exploded and by order of the officer whom he carried he then went to the *Machina*, he remaining there waiting for the adjutant major, who was in conference with the chief of staff; that at that time a civilian arrived who he thinks was an officer of the *Maine*, and that by order of the commander of the *Machina* he transported him to his ship; on coming near it he heard cries and then he came nearer, against the opinion of the American official who did not want to approach, and in the forward part, wholly under water and from which emerged several fragments of plating already blown up, he saw a man who was the one who was crying whom he picked up, carrying him to the *Machina*, for he was wounded, and he neither saw, heard, nor met in that neighborhood any other.

On the way the wounded man, who was lying down, exchanged a few words with the American officer, and it seems told him that there were still wounded men thereabouts, for on our arrival, after landing the seaman, he spoke to one of the aids of the admiral, then returned in his boat carrying again the same officer and two physicians, as he believes civilians; that they came alongside the *Maine* on the starboard side, jumping on board and seeing that the water had reached to the height of the deck on which they walked, but they run over it—the upper deck—as far as the very seat of the fire without seeing or hearing anything. They went up into the top without either finding anything; that they then withdrew, carrying the officer and physicians to the steamer *City of Washington*. The witness returned to the *Machina*, where he was ordered to go back to the navy-yard. And at this stage this deposition was suspended, the witness reading it, affirming and ratifying its contents, and subscribing it with the judge in the presence of the secretary, who certifies.

ANTONIO VARELA. [Sign manual.]

PEDRO DEL PARAL. [Sign manual.]

JAVIER DE SAAS. [Sign manual.]

*Court of investigation.*

Most Excellent Sir: It being deemed necessary for the elucidation of the facts in the case which I am investigating in regard to the explosion which occurred on the war ship of the United States *Maine* to make an examination of its bottom, I request that your excellency take the proper measures to authorize me to that effect, as well as to procure from the arsenal the assistance of divers and barges that may be requisite.

God guard your excellency for many years.

Havana, February 16, 1898.

PEDRO DEL PARAL. [Sign manual.]

Most Excellent Commander-General of the Station Providential: Let the most excellent and illustrious governor-general of this island be officially written to that he may be pleased to obtain from the most

excellent consul of the United States of America the assent for the action referred to and to issue the necessary orders to the commander of the navy-yard, so that the assistance required be extended, and let the present letter be returned to the judge-advocate who signs it for the records in the case.

Havana, February 16, 1898.

MONTEROLA. [Sign manual.]

*Court of investigation.*

Most Excellent Sir: It being certain in the opinion of this court that there remains in the part under water that was not burned of the iron-clad *Maine* all the magazines appertaining to the afterpart in which there had been stored not only the ammunition belonging to a part of its ordnance, but also that for the torpedoes and other explosives that they might carry, I request your excellency to inquire of the commander of the *Maine*, whether directly or through the medium of his consulate, what he carried on board and what in his judgment remains that is liable to explode, in order that we may in case of necessity proceed to take out of the ship, through the divers, those substances and empty the magazines in order to avoid subsequent catastrophe similar to those which, in the case of the blowing up of the steamer *Cabo Machichaco*, occurred even after the boat had been under water for some time.

I ask your excellency that in order to save my responsibility you demand of the consul answer to this report of great interest in the present investigation. God save your excellency's life many years.

Havana, February 18, 1898.

PEDRO DEL PERAL. [Rubric.]

*The judge of the court of inquiry (El Juez Instructor).*

To his excellency the COMMANDER-GENERAL OF THE PROVIDENCIA STATION (APOSTADERO).

Let the attorney be informed that as agreed with the consul of the United States and the commander of the cruiser *Maine* the work for which a permit has been solicited shall be conducted as soon as said gentlemen receive the supplies of material and divers they have asked from their Government, and let this communication be filed.

Havana, February 19, 1898.

MANTEROLA. [Rubric.]

*Court of inquiry (Juzgado de instruccion).*

Most Excellent Sir: Having been previously called by the commander of the *Maine*, I personally went to-day on board of the American steamer *Mangrove*, at ten thirty o'clock, and had a conference with the above-mentioned gentleman, who informed me of his desire that I should be present in the neighborhood of the *Maine* to witness the work of the official divers who would, during the day, go down to begin the work of surveying the bottom of the part of the prow totally submerged. To comply with the gentleman's wishes, as well as to see if I could gain any light from him as to the result of said work, I went to the neighborhood of the *Maine* around its prow, and I witnessed the descent of the diver, at eleven fifteen o'clock. He came up again at eleven forty-five. The second commander of the *Maine*, who arrived at this last moment, told me, after having spoken to the diver, that he had seen much mud, and he informed me that he would descend again at one o'clock. I then withdrew. At the aforesaid hour I was again in



the same place, the diver descending at one fifty o'clock and coming up again at three fifteen o'clock.

These operations were not witnessed by any officer, class, or person of any significance, but only by sailors who worked on the air pump and another who took care of the pipe of the helmet and the movements of the diver. Nothing was told to me, but I could notice that the diver brought up with him something in the shape of a cylindrical thin plate copper pipe about forty centimeters in length by fifteen diameter. Shortly after this the diver descended again, and upon his ascending I was told by one of the mentioned sailors that there were six or seven corpses among the submerged débris, but that their removal was difficult as, on account of their state of decomposition, they had become soft. At four o'clock, the work for the day being finished, as I was informed, I left the place, and being convinced that if I do not make an investigation in the very near future of the bottom of the American ship, the proceedings I am to institute shall be incomplete and will not be closed for a very long time, I ask from your excellency to obtain from the proper authorities a permit to commence immediately said investigation with the divers of the arsenal, in order to proceed to work at once, and submit to your excellency the complete report of the proceedings in my charge, the prompt termination of which interests not only the credit of the navy, but of the whole nation as well.

God save your excellency many years.

Havana, February twenty-first, eighteen hundred and ninety-eight.  
The judge of the court of inquiry (El Juez de Instrucción). Pedro del Peral. [Rubric.]

This is a copy.

JAVIER DE SALAS. [Rubric.]

To His Excellency the Commander-General of the Station, office of the commander-general of the navy at the station of Havana, secretary of justice:

In reply to the courteous communication of your excellency, dated yesterday, relative to the expediency of extracting, by means of divers, the explosive substances in the armored ship *Maine*, emptying the coal bins, in order to prevent further disaster, I beg to inform you that in accordance with the consul of the United States and the commander of the above-mentioned ship this operation will take place as soon as the supply of divers and materials said gentlemen have solicited from their Government arrive.

God save your excellency many years.

Havana, February nineteenth, eighteen hundred and ninety-eight.

MANTEROLA. [Rubric.]

To the captain of frigate (*Capitan de Fragata*) Don Pedro del Peral y Caballero. Auditor for a Process (Fiscal de una causa). Cruiser *Magallanes*, office of the commander.

In reply to the courteous dispatch of your lordship of this date, I must state that from the first moments of the *Maine's* disaster, the persons expressed in inclosed report went to the Machina, under command of the chief of staff, and that they rendered all the service that was requested from them until three o'clock in the morning, when they returned on board. I must commend, in the first place, the work of Don Agustin Machorra Amenabar, physician of this ship; the third practitioner (practicante), D. José Rodriguez Valencia, and the nurse, Juan Ramirez Pedrote, who were the first to arrive at the spot, and

AFFAIRS IN CUBA.

after having done their professional duties at the Machina, the cruiser *Alfonso XII* and the steamer *Washington*, remained at the Machina on watch until the next day to attend the wounded and burnt that were coming.

God save your lordship many years.

On board. Havana, February twenty-first, eighteen hundred and ninety-eight.

VICENTE PEREZ. [Rubric.]

To the judge of the court of inquiry on the process on account of the disaster of the *Maine*, cruiser *Magallanes*:

LIST OF THE OFFICERS, CLASSES, AND PERSONS IN THIS SHIP WHO LENT THEIR AID IN THE DISASTER OF THE MAINE.

Head physician, Don Agustin Machorra y Amenabar. Third boatswain, Manuel Muñias. Third practitioner, D. José Rodriguez Valencia. Coxswain of the second class (cabo de mar de segunda), Antonio Martinez Lopez. First-class seamen, Manuel Guardado Fandiño. Ditto, Manuel Abad y Abad. Ditto, Antonio Fernandez Costas. Ditto, Máximo Perin Rodriguez. Second class seamen, Juan Ramirez Pedrote, José Fernandez Rodal, José Sucira Rivademar, Enrique Lozano Huertas, Juan Planell Torres, José Orquin Galiana, Antonio Nuñez Varela, Manuel Lamela Gonzalez, José Pequeño Lolla, Antonio Iturbe Agoitu, José Subía Egaña. First-class firemen, Manuel Ferreira Sucira. Ditto second class, Manuel Pantin Dopico, Juan Perez Pico, Manuel Dapina Martinez, José Montero y Diaz, Tomás Boa Seguin, José Sucira Sardiña.

All of whom distinguished themselves.

On board, Havana, February twenty-first, eighteen hundred and ninety eight.

VINCENTE PEREZ. [Rubric.]

Cruiser *Alfonso XII*, Office of the Commander, No. nine hundred and fourteen:

In order to reply in due form to the communication of your lordship requesting a list of the persons of this crew (dotacion) who distinguished themselves in the rescue of the crew of the armored *Maine*, which took fire in this port on the evening of the fifteenth instant, I have caused a verbal investigation to be made on board relative to the movements of this ship during the first moments of the disaster. The result is that the first boats to arrive to the *Maine* were all belonging to this ship; first, those which were floating, then those which were hanging, which were immediatly lowered; all of this is easy to understand, if it is remembered that this ship was distant only 150 meters from the burning one, and consequently the one nearest. Said boats went alongside the *Maine*, their crew boarded the ship, saving from a probable death many of the unhappy men who were some wounded, some stunned, and all exposed on account of the large increase of the fire and the rapid foundering of the armored vessel.

I have been acquainted with many noble deeds done by the hands and seamen of this crew; some of them had to jump into the water to save the wounded, and others remaining on board of the *Maine* when she was foundering and had to hail their boat. As it is not possible to make the description inside the limits of this already lengthy communication of the noble interest displayed by all, I inclose herewith, as

requested by your excellency, a list of the names of those whom I believe more worthy of mention, stating at the margin their deeds. In regard to the officers, on the first moments the ensigns Don Guillermo Colmenares y Ortiz, Don Luis Ponce de Leon, and Don Juan Rapallo y Orts went on board. The first mentioned arrived in a private boat which was on board, compelling to be taken there, he being perhaps the first person to arrive. All the others helped on board as much as circumstances required, many wounded having been picked up and cured, and the anchorage of the ship being changed with great exactness under the effective danger of incessant small explosions from the *Maine*. Happily, no misfortune took place on board this ship.

God save your excellency many years.

On board, Havana, February nineteenth, eighteen hundred and ninety-eight.

MANUEL DE ELISA. [Rubric.]

To the captain of frigate (*Capitán de Fragata*), Don Pedro Peral, judge:

At folio ninety-seven of this report is to be found a statement of the personnel of the cruiser *Alfonso XII* who distinguished themselves most in saving the victims of the ironclad *Maine* in the night of the 15th of February, 1898.

#### MINUTES.

Havana, twenty-third of February, one thousand eight hundred and ninety-eight, an official letter of this court, ordered by his excellency, in regard to the permission solicited for the examination of the bottom of the *Maine*, is made part of these records.

An official letter of this court, ordered by the superior authorities in answer to the request for the removal of the explosives and ammunition which are still in the afterpart of the *Maine*; a copy of the official letter addressed to the superior authority reporting that the works of the official American diver have been witnessed, and on the subject of the necessity for examining without delay by means of divers designated by this court the bottom of the *Maine*; an official letter from the superior authority in reply to one of the foregoing, and two official letters of the commanders of the *Alfonso XII* and of the *Magallanes* on the subject of the assistance and service rendered by the personnel of their ships to the victims of the *Maine* are also made part of the record, and that it may be of record it is entered by means of minutes.

I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

#### DEPOSITION OF THE "CABOT DE MAR" OF THE FIRST CLASS, MANUAL ANDUJAR GUERRERO.

At Havana on the twenty-fifth of February, one thousand eight hundred and ninety-eight, appeared before this court the person named in the margin, whose deposition his honor thought fit to take, cautioning him as to the obligation under which he is to be truthful, and the penalties incurred by those who give false testimony; he swore to tell the truth, and being asked the usual questions of the law, declared himself and his name to be Manuel Rodriguez Guerrero, native of Ferrol, twenty-three years old, a bachelor, and Cabot de Mar of the first class, doing duty on the torpedo brigade; declared that he had no interest whatever in the case under investigation; being asked to

depose how, when, and on what ground he went to the *Maine* in the night of the disaster, he said:

That a short while after the explosion, a little before ten in the night, he was by superior order sent out in a boat of the brigade, carrying the foreman major of the arsenal in the direction of the *Maine*, turning around it several times looking for floating objects that they met for the event of their finding some wounded men, and seeing nor hearing nothing unusual, they went to the *Machina*; there the foreman jumped out and they took on board the commander of the *Caridad* in civilian clothes, a physician from the relief house, another civilian, a captain of firemen, and two firemen, again returning with all to the *Maine*, which was burning, jumping on board on the starboard side; that the water was not yet on the deck, but it came very near it; and that the ship was flooded in the inside; that they carried their examination as far as possible, climbing on thereto, and seeing nor hearing anything, they returned to the *Machina* with all these same gentlemen whom he had carried and thence conducted to the *City of Washington*, some of them.

Here the declaration was ended, and after having been read was sworn to and ratified, and signed, with the judge and the secretary, who certifies to the same.

MANUEL RODRIGUEZ. [Rubric.]

PEDRO DEL PERAL. [Rubric.]

JAVIER DE SALAS. [Rubric.]

#### DECLARATION OF THE GUNNER'S MATE, MANUEL DOMINGUEZ.

In Havana, the twenty-fourth of February, 1898, appeared on being cited the below named, and after being warned of the duty of speaking the truth and the punishment incurred by those giving false testimony, he swore to tell the truth; and being questioned as to his qualifications, said that he was named Manuel Rodriguez Diaz, born in the province of Huelva, having attained his majority, gunner's mate of the fleet, in the service of the cruiser *Alfonso XII*, and declared that he had no direct or indirect interest in the case in question.

Being asked to declare all that he knew in regard to the aid rendered by his vessel to the *Maine*, he said that immediately after the explosion he went as he was into the boat that was in the water, to go in aid of the victims; arriving, with other boats from his vessel, first at the side of the *Maine*, and finding themselves at the larboard side almost under the prow; that from the center came cries of the crew, and hence that they went there; that they mounted to the deck near the large iron davit, picked up seven wounded men, who were transferred to the *Alfonso XII*, leaving the coxswain, Garruche, on the *Maine*, who had lost his way while engaged in picking up the wounded.

That they saw as they reached the American ship, the captain's gig of the *Maine* with men in the poop, one of whom called, as well as he could make out, since he spoke in pigeon Spanish, that he was a doctor. That when they reached the *Alfonso XII*, his boat remained in the task of unmooring the ship, so as to change its position and remove it further from the scene of the catastrophe, where grenades were continually exploding.

Here the statement stopped, which he read, sworn to and ratified the contents, subscribing the same with the judge and the secretary, who certifies to the same.

ANTONIO DOMINGUEZ. [Seal.]

PEDRO DEL PERAL. [Rubric.]

JAVIER DE SALAS. [Rubric.]

## CRUISER ALFONSO XII, COMMAND No. 916.

On the annexed plan is found the present position of the American battle ship *Maine*, as Y. H. state in your communication of yesterday, and I have the honor of placing it in your hands.

God guard your excellency.

MANUEL DE ELISA. [Seal.]

Havana, February 19, 1898.

Senor D. Pedro del Peral, captain of the frigate, judge of instruction.

On page 101 of this statement will be found a map of the port of Havana, in which the position of the *Maine* is plainly shown.

## GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

His excellency the consul-general of the United States officially said to me on this date: In reply to the courteous communication of your excellency, dated the 16th instant, transmitting another from his excellency, the general-commander of the navy, asking the acquiescence of this consulate in the request of Senor Inez, instructor, to have an inquiry made into the causes of the accident to the *Maine*, I have the honor to say that, having consulted the commander of the same, the latter informs me that he hopes to exercise all action necessary for the inquiry regarding the ship under his own direction, according to orders from the United States Navy Department.

I have the honor to transmit to your excellency for your information and subsequent action.

God guard your excellency.

RAMON BLANCO. [Seal.]

Havana, February 17, 1898.

His excellency the general-commander of the navy of the station.

## ORDER.

Refer to the fiscal of the case for incorporation in the same.

MANTEROLA. [Rubric.]

Havana, February 22, 1898.

## COURT OF INQUIRY.

Esteemed Sir: This court not having received an answer to the communication in which it requested permission to inquire into the causes of the accident to the *Maine*, and it being of the highest importance that while this investigation is taking place, the approach of boats of any class, even those under the American flag (except war ships and those which have special authorization from this court) to the spot in question should be prohibited, begs your excellency to have the goodness to order that a patrol of vessels shall prevent the approach of the said boats that have not been authorized within a distance of 100 meters from the wreck. In order to avoid friction, and in case you deem it advisable, it asks at the same time that the United States consul and the commanders of the American men-of-war in port should be made acquainted with this determination of the court, which has been adopted with the object of avoiding future confusion.

God guard your excellency.

Havana, February 18, 1898.

PEDRO DEL PERAL. [Seal.]

His excellency the commander general of the station.  
 Refer to the chief of the general staff, that he may order what he may  
 deem advisable in the premises in furtherance of the matter in interest  
 and return the same.

Havana, February 18, 1898.

MANTEROLA. [Rubric.]

Esteemed Sir: Having ordered what is advisable, I have the honor  
 to return to Y. E. this record, as you have been pleased to order.

Havana, February 18, 1898.

By order.

GABRIEL RODRIGUEZ. [Rubric.]

Order: With the previous report refer to the fiscal for incorporation.

Havana, February 22, 1898.

MANTEROLA. [Seal.]

Court of instruction. Private.

Esteemed Sir: In order that the patrol vessels may keep a suitable  
 watch in the vicinity of the *Maine*, I have the honor to ask your excel-  
 lency to appoint one or more officials, to exercise in turn the same duty,  
 keeping guard from sunset to dawn over the movements of the vessels  
 that may approach the wreck, watching closely those that they may  
 consider worthy of suspicion.

God guard your excellency.

Havana, February 18, 1898.

PEDRO DEL PERAL. [Seal.]

His Excellency the general, commander of the station.

Order: Refer to the chief of the staff, in order that he may take the  
 action necessary in the premises, and return.

Havana, February 18, 1898.

MANTEROLA. [Rubric.]

Esteemed Sir: The proper action having been taken, I have the honor  
 to return to your excellency the dispatch as you have ordered.

Havana, February 18, 1898.

By order.

GABRIEL RODRIGUEZ. [Rubric.]

Order: Refer to the Fiscal to be incorporated.

MANTEROLA. [Rubric.]

DECLARATION OF THE INSPECTOR OF POLICE OF THE INSPECTION  
 OF VESSELS.

In Havana, February 24, 1898, appeared in court the inspector, having  
 been cited, who having been warned of the duty of speaking the truth  
 and of the penalty for telling falsehoods, swears that he will speak  
 truth, and being questioned as to his qualifications, says that he is  
 and is called D. Antonio Perez Lopez, born in Zaragoza, being of age,  
 married and residing at Industria, 62, at present inspector of police of  
 the examination of boats of the port of Havana and annexes thereof.

Being asked to state what he knows in regard to the explosion that  
 occurred on the *Maine* and the causes thereof, he said that at the  
 time he was standing on the balcony of his flagstand on the *Machina*  
 looking at the place where the *Washington* was anchored, the latter  
 having just made entrance, and witnessed a tremendous explosion  
 within the *Maine*, rising to a great height and then disappearing, caus-  
 ing the subsequent conflagration of the vessel; that followed by the  
 chief of police he went in a boat to the scene of the catastrophe, and  
 that small explosions continued until half past twelve or one o'clock.  
 That he was ignorant of the causes of the disaster, but that partly  
 through information he had received, partly through that of his subor-

dinates and other agents of police, boatmen, and many people with whom he was thrown in daily contact in his office he could not in any way believe that it occurred intentionally.

Here the declaration ceases; which, after he has read, sworn to, and ratified, he signs before the judge and secretary, who certifies to the same.

PEDRO DEL PERAL. [Rubric.]  
JAVIER DE SALAS. [Rubric.]

ANTONIO PEREZ. [Rubric.]

MINUTE.

In Havana, the twenty-fourth of February, 1898, there is attached to these proceedings a map of the port of Havana with the actual position of the *Maine*, accompanied by the official communication of the commander of the *Alfonso XII*. Communication transmitted from the general government of the island, showing the answer of the consul of the United States, together with that of the commander of the *Maine* in regard to the inquiry into the cause of the sinking of the boat. Two communications of this court, decreed by authority in regard to keeping watch in the vicinity of the wreck of the *Maine*.

I certify to the same.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

DEPOSITION OF THE PILOT, JULIAN GARCIA LOPEZ.

In Havana, February 24, 1898, appeared, after being cited, the above-named individual; being instructed as to the duty of telling the truth and the penalties incurred in giving false testimony, declared that he would speak truth, and, being questioned as to qualifications, said that he was and was called Julian Garcia Lopez, native of the province of Oviedo, of age, pilot of the port of Havana, and that he had no interest, direct or indirect, in the case in question.

Being asked if he had entered the battle ship *Maine* in the port, and if he had, to tell what he knew in regard to the matter, he said that on the 20th of last January he was on duty and it fell to him to receive an American man-of-war; but that, as it was not expected, he did not know what vessel it was; that it passed into port, and, according to the general instructions for all ships of war, after showing on the map to the *Maine's* captain the buoy of section No. 4, which was vacant, and receiving his approval, the pilot fastened the vessel there between the German man-of-war which was in port and the *Alfonso XII*, in 36 feet of water, the ship drawing 22, as he was informed. Being asked if he had anything more to add or declare, he said no, since he considered of no importance the inquiries made by the commander as to whether the boat was expected, to which he answered no; whether he considered himself capable of bringing the vessel in, to which he answered yes; and whether they would be well received, to which he answered yes, since Havana was a cultured town, and they need not fear anything if they behaved themselves.

This examination was then suspended; he read the same, affirming and ratifying it, and signing it with the judge and the secretary, who hereby certifies.

PEDRO DEL PERAL. [Rubric.]  
JAVIER DE SALAS. [Rubric.]

JULIAN GARCIA LOPEZ. [Rubric.]

NAVAL HEADQUARTERS OF THE STATION OF HAVANA  
AND THE SQUADRON OF THE ANTILLES.  
GENERAL STAFF. SECTION SECOND. BUREAU OF EQUIPMENT.

I transmit to Y. H. the annexed invoice furnished by "La Balear," of the medicines furnished by it for the use of the wounded of the American battle ship *Maine* on the night that the explosion of said vessel occurred, in order that you may provide that the amount thereof, which reaches one hundred and seven pesos and sixty-five cents, be charged to the expenses incurred in this matter, as you have been pleased to order heretofore.

God preserve your honor.  
Havana, February 28, 1898.

JOSE MARENCA, [Rubric.]  
*Captain of frigate Don Pedro del Párel,*  
*judge of the Maine Court of Inquiry.*

At folio 112 of these proceedings appears an invoice of medicines furnished by "La Balear," pharmacy, for the use of the wounded of the *Maine*, amounting to 117 pesos and 75 centimes gold.

OFFICE OF THE NAVAL COMMANDANT AND HARBOR MASTER OF  
HAVANA, REPORTING ARTICLES FOUND BELONGING TO THE BATTLE  
SHIP MAINE.

Most Excellent Sir: The naval subdelegate of Casa Blanca, in an official communication dated yesterday, writes me as follows:

Most Excellent Sir: I have the honor to transmit to Y. E., having found the same floating on the shores near the Friscornia Beach, a canvas ventilator, eleven meters sixty centimeters long by sixty-five centimeters wide, with four wooden rings, which was found enclosed in a canvas cover. At the Gandon wharf there was found a wooden box without a cover, with two cans, apparently of copper, which were empty and appeared to have contained varnish or oil, with their screw tops, measuring 35 centimeters in length by 45 in width, and as they may belong to the battle ship *Maine* I inform you thereof, that you may order what you may deem expedient in the premises. Which I have the honor to transmit to Y. E. for your superior information, adding that besides the articles mentioned the employees of this office recovered a torpedoskid and a compass, which, together with the articles already enumerated for your excellency to order their disposition, considering that they all belong to the battle ship *Maine*. God preserve Y. E. many years.

Havana, February 21, 1898. LUIS PASTOR. [Rubric.]  
Most excellent COMMANDANT-GENERAL OF THE STATION.

Order: Refer to the fiscal that it may be incorporated in the record herein.

Havana, February 24, 1898. MANTEROLA. [Rubric.]

Office of the naval commandant and harbor master of the port of Havana reports bodies found on the Casa Blanca Beach belonging to the battle ship *Maine*.

Most Excellent Sir: The naval subdelegate of Casa Blanca, in an official communication of yesterday, informs me as follows:

Most Excellent Sir: I have the honor to make known to your exce-



lency that from six until ten thirty a. m. to-day there have been found floating on these shores 16 bodies, apparently of the white race; one leg, a portion of another, and other parts of an arm which may belong to the victims of the American battle ship *Maine*, which have been sent-nine, the portion of the leg, and other parts of an arm, by men from the Spanish cruiser *Alfonso XII*, and the other seven, and a leg, by the boat belonging to me (folio 854) to the *Machina*. Which I have the honor to transmit to Y. E. for your superior information. God preserve Y. E. many years.

Havana, February 19, 1898.

LUIS PASTOR. [Rubric.]

Most excellent COMMANDANT-GENERAL OF THE STATION.

Order: Refer to the fiscal that he may incorporate it in the records herein.

Havana, February 24, 1898.

MANTEROLA. [Rubric.]

OFFICE OF THE SUBINSPECTOR OF THE MILITARY  
BOARD OF HEALTH OF THE ISLAND OF CUBA.  
SECTION 4. No. 1252.

In reply to your communication of the 23rd instant, I transmit you the reports of the parties who, as a result of the unfortunate accident to the battle ship *Maine*, were cared for in the military hospitals of this station where they were taken, stating at the same time that from the very moment the accident occurred orders were issued that the entire medical corps not in service should repair to the wharf or the cruiser *Alfonso XII*, to offer their services should they be necessary, as also the ambulances on hand, and which were utilized in the premises. God preserve you many years.

Havana, February 24, 1898.

MAS. [Rubric.]

To the fiscal of the harbor master's office, Don PEDRO DEL PERAL.

At folio 118 of this record appears a statement showing that there were entered in the military hospital of Alfonso XIII 5 individuals from the *Maine*, wounded and burnt.

At folio 119 of the same appears another statement, showing that there entered the hospital of San Ambrosio twenty-eight individuals from the same vessel in a serious condition.

OFFICE OF THE COMMANDANT OF  
THE NAVY-YARD OF HAVANA.

No. 660.

The chief adjutant of this garrison, to whom I sent the communication of Y. H. of the 21st instant, relating to the assistance given the victims of the *Maine*, day before yesterday informed me as follows:

In compliance with what your honor has been pleased to order, I have the honor to state that the assistance given by the men of this navy-yard to the battle ship *Maine* on the night of the 15th was: The first boat of this yard, carrying the undersigned, the Coxswain Antonio Narela Lopez and a crew of ten; a boat of the torpedo squadron with the Quartermaster Antonio Manjibar Rafart, Coxswain Manuelo Rodriguez Guerrero, and six in the crew; the auxiliary launch, with the Second Quartermaster Jose Prache Otera, Coxswain Mattias Bestand, and a crew of ten.

These boats being prepared with the alacrity which the case demanded, they proceeded to the place of the disaster, remaining there a long while; and the undersigned observing that the watchfulness of the three boats was unnecessary, ordered the launch to go to the *Machina*

to receive further orders, and engaging it in carrying the wounded from the cruiser *Alfonso XII* to the barracks of the Machina. The undersigned, with the first boat, went to the Machina to receive orders from the commanding officer, the torpedo-squadron boat remaining under the quartermaster, Mengibar, on the lookout at the place of the disaster until further orders. On the second trip of the first boat from the navy-yard to the *Maine* it carried an officer from said vessel and succeeded in saving the last wounded man on board, to do which this boat had to moor alongside a dangerous place of the burning wreck, and in so doing lost its rudder.

The long time that the boat from the torpedo squadron remained rowing around the burning wreck at a short distance, constitutes, in the judgment of the subscriber, a distinguished action on the part of the quartermaster Mengibar and the crew of the said boat; distinguished also is the action of the chief of the first boat, Varela, and the crew, who, fighting the flames of the burning wreck, made fast to the bow of the *Maine* in order to save from certain death the last wounded man of the American crew. This is all I have the honor to impart to Y. H., and under separate cover I transmit a list of the names of the three crews who rivaled each other in the most humane of services. And with a copy of the statement mentioned, I transmit this to Y. H., having to add that, for my own part, I can not make individual mention of actions that may be considered distinguished, since from the very moment of the catastrophe the entire personnel of officers of this navy-yard went to the site of the danger, the only one remaining here being the chief of the torpedo squadron, in compliance with my orders.

The health officers voluntarily left to offer their services, as did the chief medical officer of the yard, who took the ambulances and surgical appliances on hand. God preserve Y. H. many years.

Navy-Yard, February 24, 1898.

ESTEBAN ALMEDA. [Rubric.]

To the Judge Don PEDRO DEL PERAL.

At folio 124 of this record appears a list of the men from the navy-yard who, manning three boats, rendered assistance on the night of the catastrophe to the battle ship *Maine*.

At folios 125, 126, 127, 128, and 129 of the said record appear five photographs.

OFFICE OF THE SUBINSPECTOR OF THE MILITARY  
BOARD OF HEALTH OF THE ISLAND OF CUBA.

In addition to the communication of this office, No. 1252, which I had the honor to address Y. H. under date of the 24th instant, referring to the assistance rendered by the military medical corps to the wounded in the catastrophe to the battle ship *Maine*, I have to inform Y. H. that the following distinguished themselves by reason of their energy, zeal, and their spontaneous presence at the necessary points, offering their professional and personal services, as well on the wharf, asylums, inns, and hospitals:

The medical subinspector, second class, Don Agustin Muniozgueren, Dr. Clemente Senar y Vicente, Dr. Don Jose Locute y Gallego, and Dr. Don Enrique Solana y Alemany. Which I have the satisfaction of communication to Y. H. for the purposes you may deem expedient. God preserve Y. H. many years.

Havana, Feb. 28, 1898.

CRISTOBAL MAS, *Inspector*. [Rubric.]

To the fiscal of the office of the harbor master.

## GENERAL GOVERNMENT OF THE ISLAND OF CUBA.

Most Excellent Sir: Under date of to-day this office says to the consul of the United States in this city as follows: In order to close the record of the investigation being made by the Spanish Government of the causes which brought about the catastrophe to the *Maine* there only remains to proceed to an inspection of the exterior and interior of the vessel where the explosion occurred, to which end it is deemed indispensable (in order to give the investigation greater legal weight that our divers in their inspection be accompanied by those of the American Government, and no conclusive reply having been yet received from Y. H. so as to proceed as indicated, I pray you to be pleased to order or request the proper party to see that the said American divers unite with the Spaniards for the purpose of making a minute of the inspection, permitting myself also to beg you to fix a time as soon as possible. Which I have the honor to transmit to Y. E. for the purpose indicated.

God preserve Y. E. many years.

Havana, February 25, 1898.

RAMON BLANCO. [Rubric.]

## ORDER.

Most Excellent Commandant-General of the station:

Refer to the captain of frigate *Don Pedro del Peral*, fiscal, for proper disposition.

Havana, Mar. 1, 1898.

MANTEROLA. [Rubric.]

## MINUTE.

HAVANA, *February twenty-five of 1898.*

These proceedings are suspended to await the reply to see whether the bottom of the *Maine* may be inspected by the divers of our Government. Certified.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

## MINUTE.

HAVANA, *March first, eighteen hundred and ninety eight.*

There are appended to these proceedings: A communication from the chief of the general staff enclosing an invoice of medicines furnished by *La Balear*, pharmacy, amounting to one hundred and seven pesos (sixty-five cents) gold, two communications sent by the head of the office of the harbor master of Havana, relating to bodies and articles found in the bay. A communication from the office of the subinspector of the military board of health, accompanied by a statement of the wounded of the *Maine*, cared for in the hospitals of this place. A communication from the office of the commandant of the navy-yard, accompanied by a statement, in reply to a communication from this court; five photographs of the *Maine* taken from different points after the catastrophe.

A communication from the general government of the island, transmitted by the same, informing that it had communicated with the consul of the United States regarding the necessary of proceeding to the inspection of the bottom of the *Maine*, by Spanish divers. Certified.

JAVIER DE SALAS. [Rubric.]

PERAL. [Rubric.]

## ORDER.

In Havana, on the first of March, of eighteen hundred and ninety-eight, the judge ordered the continuing of these proceedings by reason of having received verbal authority from the Captain-General's office to proceed to the inspection of the bottom of the *Maine*, by this court. His honor so ordered, before me, the secretary, who certifies.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *March first, eighteen hundred and ninety-eight.*

I have received a communication from the office of the subinspector of the military board of health, amplifying a former one, already attached to the case.

Certified.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

HAVANA, *March first, eighteen hundred and ninety-eight.*

One of the navy-yard divers being ill, for greater comfort and dispatch in the work, the office of the Captain-General was requested to ask the board of harbor works to send the official divers under them.

Certified.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

In Havana, on the second of March of eighteen hundred and ninety-eight, the court moved to the vicinity of the *Maine*, where the divers and material of the board of harbor works were located, the diver Ramon Gonzalez going down at 9 and coming up at 9.30, and inspecting the port quarter.

Certified.

JAVIER DE SALAS. [Rubric.]  
PERAL. [Rubric.]

## MINUTE.

In Havana, on the second of March of eighteen hundred and ninety-eight, the court again moved to the vicinity of the *Maine*, where were the divers of the board of harbor works and that of the navy-yard, all with the necessary equipment, witnessing the descent of the said Juan Hernandez and Ramón Gonzales, the former on the port side toward the middle and the latter at the same part of the starboard side, remaining under water from one o'clock until fifteen minutes after three.

And in order that it may be of record, it is set forth by means of minutes which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]  
PERAL. [Sign manual.]

Havana, the second of March, one thousand eight hundred and ninety eight, the judge determined to communicate orally to the superior authorities the result of the preliminary examination made by the divers on this day, in the event of its being deemed expedient to transmit the same to the Government of His Majesty, reporting that the one who inspected the port side did not reach the point where the vessel is broken, and that the one on the starboard side saw about the middle large pieces of plates bent outward, as well as coal strewn on the outside; the findings of the day not being more extensive by reason of the deep mine which impeded progress, and of the wreckage, which caused stumbling. So dictated his honor before me, the secretary, who certifies.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

GENERAL NAVY HEADQUARTERS OF THE HAVANA  
STATION AND SQUADRON OF THE ANTILLES,  
STAFF THIRD DIVISION, SECTION 2.

The commander of the ironclad is hereby directed to be pleased to order that the diver of his ship be present at seven to-morrow at the Machina of San Fernando, at the disposal of your honor, with the requisite equipment, to assist in the work of examining the bottom of the United States ironclad *Maine*. I state this to your honor for your information and as the consequence of your note of this date.

God guard your honor for many years.

Havana, March 2, 1898.

MANTEROLA. [Sign manual.]

The investigating judge,

Captain Don PEDRO DEL PERAL Y CABALLERO.

MINUTES.

HAVANA, *March 3, 1898.*

It is made of record by means of minutes that owing to the prevailing rain and in consequence of the turbidness of the water the work of the divers has been suspended for this day. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 3, 1898.*

It was requested of the superior authorities that the diver of the *Vizcaya* be directed to assist, with the equipment of his occupation, in the work of the divers of the navy-yard and of the harbor works. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 4, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzalez of the harbor works, and Alvarez and Abellieras of the navy-yard, who proceeded with their

examination, remaining under water, two at a time alternately, from 7 to 9 in the forenoon and from 12 to 3½ in the afternoon. It is made of record by means of minutes, which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

DEPOSITION OF DON FRANCISCO ALDRES Y CASAMES.

Havana, on the fourth of March, one thousand eight hundred and ninety-eight, appeared in this court, on verbal summons, the person named in the margin, who, being cautioned as to the obligation of speaking the truth and the penalty provided by law for false testimony, swore to tell the truth, and being asked the usual questions in the law, declared himself and his name to be D. Francisco Aldres y Casames, of age, married, a graduated assistant engineer of Public Works, an industrial engineer presently in the employ of the Board of Harbor Works, without any interest whatever in the case under investigation. Being asked whether he had effected works for the removal of sunken hulls in the bay, said that he effected the removal of sunken hulls at Tallapiedra, that of the hull of the American steamer *City of Rionda*, done the work required for the site of the dry dock and that recently concluded to blow up the shoal Feliciano.

Being asked what explosives he used for the purpose, in what quantity, and what were the effect and consequences, said that he used an American explosive called Rancka—rock similar to dynamite number 3; that he used it in quantities of from 5 to 25 pounds; that the effects of small quantities have been insignificant on the outside when the cartridges were placed more than two meters deep, and that with the medium and larger charges it was observed that there were projections of water, more or less high, according to the charge and depth; it drags considerable mire from the bottom and with it a greater or less number of dead fish, which appear on the surface sometimes one hundred meters distant from the place where the explosion took place, there always being found a larger number dead at the bottom or within the hulls worked on; that flames were never seen to issue at the surface, nor was there any volume of smoke sufficient to be perceived, as it were, the color being white in every case; that the effects of the explosions were always felt by the vessels near the spot where they took place, and that at distances of from 500 to 1,000 meters the hulls felt as if they had been struck a hard blow, but without consequences.

And at this stage this deposition was suspended, read by the witness, who affirmed and ratified its contents, subscribing it with the judge and in the presence of the secretary, who certifies.

FRANCISCO ALDOYS. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

JAVIER DE SALAS. [Sign manual.]

MINUTES.

HAVANA, March 4, 1898.

Copy was made of the plans of the *Maine*, furnished by her late commander, Mr. Sigsbee, a draftsman of the navy-yard, doing duty at the artillery headquarters, being sent for to do the work. Saw plans, which will be appended to these proceedings, were examined to the end of dividing and distributing the work of the divers. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

## DEPOSITION OF THE MERCHANT NAVIGATING OFFICER DON MIGUEL GONZALAZ FRAIVESO.

At Havana, on the fourth of March, one thousand eight hundred and ninety-eight, appeared before the court the officer named in the margin, who, being cautioned as to the interrogatories about to be put to him and the penalties incurred by those who give false testimony, swore to tell the truth, and, being asked the usual questions, declared himself and his name to be Don Miguel Gonzalez Fraiveso, twenty-seven years old, of age, native of Castropol, Asturias, merchant navigating officer, and at present in the position of first officer of the steamer *San Juan*.

Being asked whether in the night of the 15th of February, of the present year, he was in the harbor and witnessed the blowing up of the *Maine*, as well as such particulars in connection therewith as might throw light on the proceedings, he said that he was on board the *San Juan*, then under repairs at Regla, lying in his bunk; that he awoke at the sound of the explosion, imagining that some misfortune had happened in the bay, and believing that it might well be on one of our war vessels. That he ordered the boat to be manned by four men and proceeded toward the channel of the harbor, when he saw flames beginning to issue from a certain point which he approached, the *Maine* turning out to be the vessel on fire; that on arriving he found there four boats from our war vessels, and one which he believes might have been from the *Mexico*, some being very near and others fastened to the stern of the *Maine*, picking up and giving assistance to wounded men; that of American boats he only saw one, a merchant *yoste*, which I suppose was from the *Washington*, whither the wounded men were likely taken, for one could hear the moaning and crying coming from that vessel; that he was unable to pick up any wounded man or seaman, and after a short while withdrew, leaving the boats from the war vessels.

Being asked whether he saw any boat from the *Washington* other than that above mentioned, he said that he saw no other, and that at the same moment the *Washington* weighed anchor and moored at San Jose.

And this deposition was suspended and read by the witness, who affirmed and ratified its contents, subscribing it with the judge in the presence of the secretary, who certifies.

MIGUEL GONZALEZ FRAIVESO. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

JAVIER DE SALA. [Sign manual.]

## DEPOSITION OF COMMODORE DON MANUEL ELISA Y VERGARA.

At Havana, on the fourth of March, one thousand eight hundred and ninety-eight, appeared, on summons, the officer named in the margin, who, being advised of the obligation resting on him to tell the truth and of the penalties incurred by those who give false testimony, swore to tell the truth, and being asked the usual questions, under the law, declared himself and his name to be Don Manuel Elisa y Vergara, commodore; married; of age; declaring to have no interest whatever, direct or indirect, in the case under investigation.

Being asked whether, during the time while the ship under his command was moored to one of the buoys near to the site for the dry dock, he felt any perceptible or considerable trepidations resulting from the submarine explosions that took place there, he said that toward the

month of August or thereabout there took place small submarine explosions for the purpose, as he believed, of blowing up some rocks which impeded the work of the dredges on the site of the dry dock.

His ship, which is the cruiser *Alfonso XII*, experienced trepidations which alarmed him at first, and he reported to the admiral of the squadron for his opinion as to whether he thought it expedient that his mooring should be changed so as to avoid injury to his ship from the repetition of this effect, and in consequence made fast to the buoy at Friscornia, belonging to the steamers of the French line. Being asked in regard to the thickness of the plates on the sides of his ship at the bottom, he said that it is approximately a half inch (Spanish). And at this point this declaration was suspended, and after reading, affirming, and ratifying it, he subscribed it with the judge and the secretary, who certifies.

MANUEL DE ELISA. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

JAVIER DE SALAS. [Sign manual.]

MINUTES.

HAVANA, *March 5, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzales, of the harbor works, and Alvarez and Abellera, of the navy-yard, who proceeded with the examination, remaining under water two at a time, alternately, toward the bow, all on the starboard side, from 7 to 9 in the forenoon and from 12 to 3½ in the afternoon.

It is made of record by means of minutes which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 5, 1898.*

There was submitted to the superior authorities, for their approval, an account of the expenses of this court up to this day, amounting to one hundred and eighty dollars (Spanish) sixty-five cents, gold. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 6, 1898.*

The divers did not work, this being a holiday. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

ORDER.

HAVANA, *March 7, 1898.*

The judge, with the plans of the *Maine* under his eyes, determined to make a distribution of the work to the divers, charging them especially to direct their work to the finding the stem of the ship and the



forward turret in order to take these at once for starting points and keep up the full examination of the submerged part.

So dictated his honor before me, the secretary, who certifies.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 8, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzalez, of the board of harbor works, and Alvarez and Abellera, of the navy-yard, who proceeded with their examination, remaining under the water from 7 to 9 in the forenoon and 12 to 3 in the afternoon.

It is made of record by means of minutes which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 9, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Gonzalez and Hernandez of the board of harbor works, and Alvarez and Abellera, of the navy-yard, who proceeded with the examination, remaining under water from 7 to 9 in the forenoon and from 12 to 3 in the afternoon. It is made of record by means of minutes which I, the secretary, certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 10, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Gonzalez and Hernandez, alternating from 12 to 3 in the afternoon. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 11, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Gonzalez and Hernandez of the board of harbor works, who worked alternately from 12 to 3 in the afternoon. I so certify.

JAVIER DE SALAS. [Sign manual.]

PEDRO DEL PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 12, 1898.*

A report of the salient occurrences and facts of the night of the *Maine* disaster was asked officially of the chiefs of the companies of firemen in this capital.

## MINUTES.

HAVANA, *March 12, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Gonzalez and Hernandez, of the board of harbor works, who worked alternately from 12 to 3 in the afternoon. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

NAVY GENERAL HEADQUARTERS OF THE HAVANA STATION  
AND SQUADRON OF THE ANTILLES.  
STAFF-DIVISION 3, SECTION 2, "CLASES."

I have to say to your honor, in reply to your polite note of this day, that I have obtained from the chief of harbor works here two divers, with the necessary equipment, who are to be at your disposal to-morrow at 7 in the forenoon, near the ironclad *Maine*.

God guard your honor for many years.

Havana, first of March, 1898.

MANTEROLA. [Sign manual.]

The investigating judge, Captain DON PEDRO DEL PERAL Y BABALLERO.

[Confidential.]

NAVY GENERAL HEADQUARTERS OF THE HAVANA STATION  
AND SQUADRON OF THE ANTILLES. STAFF-DIVISION.

The most excellent minister in a cipher cablegram dated the 10th instant, writes as follows: Advisable you expedite as much as you can the conclusion report *Maine* so that it precede Americans. In transmitting this to your honor I do so to the end that, taking into consideration the wishes of the national government you may use, if that be possible, more expedition than has been done heretofore, in order to comply with the cablegram.

God guard your honor for many years.

Havana, 11 March, 1898.

MANTEROLA. [Sign manual.]

Captain D. PEDRO DEL PERAL,

*Investigating Judge in the case of the Ironclad Maine.*

[Telegram.]

OFFICE OF THE GOVERNOR-GENERAL OF THE ISLAND OF CUBA,  
*Washington, February 19, 1898.*

Consul-General LEE, *Havana:*

The Government of the United States has already commenced an investigation concerning the causes which occasioned the disaster of the *Maine* through the medium of naval officers appointed especially for the purpose, who will conduct this investigation independently. This Government will extend every possible facility to the Spanish authorities for the investigations they may wish to make on their part.

DAY.

A true copy.

JOSE CONGOSTO. [Sign manual.]

[Telegram.]

OFFICE OF THE GOVERNOR-GENERAL OF THE ISLAND OF CUBA,  
*Havana, February 18, 1898.*

Sigsbee begins work to-morrow with divers who have been sent him from the United States to recover the bodies that still remain in the

*Maine*, as well as personal effects of the officers and crew, and also any other article that may be secured. After this the Spanish Government wishes to unite with ours, to the end of examining the hull of the ship and the bottom of the harbor around the same.

LEE.

A true copy.

J. CONGOSTO. [Sign manual.]

OFFICE OF THE GOVERNOR-GENERAL  
OF THE ISLAND OF CUBA.

Most Excellent Sir: The consul-general of the United States at this capital has just addressed me the following note:

"I have the honor to acknowledge the receipt of your communication of the 25th instant. In reply I take the liberty of inclosing a copy of my telegram to the Assistant Secretary of State at Washington, referring to the subject, and also the reply of that Department. It is to be observed that the Government of the United States thinks that the investigation by the two governments is to be independent, but that every kind of facilities will be granted to your Government for the prosecution of such investigation as it may think expedient. I shall confer with Captain Sigsbee on the matter and will suggest that he call on the admiral of the naval station, and I do not doubt that these two officers may agree upon some plan that will be satisfactory to all. I am sure that neither Government has any other object than to elucidate all the facts connected with the explosion on the *Maine*, and that the main desire of both Governments is to proceed in harmony with the investigations."

I have the honor to transmit the foregoing to your honor with the translated copies of the two telegrams referred to, for such ends as may be expedient.

God guard your honor for many years.

Havana, February 26, 1898.

RAMON BLANCO. [Sign manual.]

Most excellent naval commander-general of the station Providencia.

With the two annexed copies of the telegrams, let the present letter be turned over to Captain D. Pedro del Peral, prosecuting attorney (judge-advocate), for the ends thereto appertaining.

Havana, March 15, 1898.

COURT OF INVESTIGATION.

Most Excellent Sir: In the investigation conducted by me in the matter of the catastrophe of the *Maine* there are needed certain data which this court does not know where to find. I therefore turn to your excellency and beg that you may secure the same from the proper quarter. The said data are as follows: Ordnance carried by the ship, parts of the ship where the same was placed, quantity and nature of ammunition, and powder in the forward magazines.

God guard your excellency for many years.

Havana, March 16, 1898.

PEDRO DEL PERAL. [Sign manual.]

Most excellent commander-general of the station, Apostadero.

Let the present be transmitted to the most excellent and illustrious Governor-General of the island, and let him be asked to be pleased to secure from the consul of the United States the requested data, and

let the present letter be returned to the judge-advocate, who signs it, for the ends thereto appertaining.

Havana, March 16, 1898.

MENTEROLA. [Sign manual.]

MINUTES.

HAVANA, *March 12, 1898.*

An official note from the superior authority transmitting a cipher telegram from the most excellent minister of the navy was received and is made part of these proceedings. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 12, 1898.*

An official letter from the superior authority announcing that the help in equipment and divers has been secured from the board of works of the harbor, as requested, is made part of the proceedings. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 13, 1898.*

This being a holiday the work of the divers is suspended. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 14, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzalez, of the board of harbor works, and Alvarez and Abellieras, of the navy-yard, who worked from 12 to 3½ in the afternoon. I so certify.

JAVIER DE SALAS. [Sign manual.]

MINUTES.

HAVANA, *March 15, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzalez, of the harbor works, and Alvarez and Abelleira, of the navy-yard, who worked from 12 to 3½ in the afternoon. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 16, 1898.*

Copies of two telegrams, one from the Secretary of State of the United States to the consul of his country at this capital, and the other from said consul to the Government of Washington, accompanied by

an official letter of the Governor-General of the island transmitting the reply of the consul to previous official correspondence, were received and are made part of these proceedings. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

HAVANA, *March 16, 1898.*

An official letter went to the most excellent commander general of the station, asking him to obtain from the proper quarter certain data as to the ordnance carried by the *Maine*, the location of the same; the quantity and kinds of ammunition and powder in the forward magazines. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

MARCH 16, 1898.

A reply to the official note in the foregoing minutes is received and made part of the proceedings. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. Sign manual.

MINUTES.

HAVANA, *March 16, 1898.*

The court repaired to the location of the *Maine* and witnessed the descent of the divers Hernandez and Gonzalez, of the board of harbor works, and Alvarez and Abellera, of the navy-yard, who worked from 12 to 3½ in the afternoon, alternately. I so certify.

JAVIER DE SALAS. [Sign manual.]

PERAL. [Sign manual.]

MINUTES.

MARCH 17, 1898.

The court repaired near the *Maine*, witnessing the descent of the divers of the arsenal and of the board of works of the port, who worked from 12 to 3½ p. m. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

OFFICIAL ACT OR PROCEEDING.

HAVANA, *March 18, 1898.*

The court went near to the place where the *Maine* was, and witnessed the descent of the divers, who worked alternately from 12 to 3½ p. m. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

## ORDER.

HAVANA, *February 19, 1898.*

His honor ordered that the work of the divers in examining the *Maine* should be considered as ended, and proceeded to take their depositions, for which purpose they were summoned to appear on Monday, the 21st. Thus his honor ordered before me, the clerk of the court, who certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

## DEPOSITION OF RAMON GONZALEZ, DIVER.

In the city of Havana, on the 21st day of March, 1898, appeared, having been duly summoned, the diver above named, who, having been admonished that he was under strict obligations to tell the truth, and having been warned of the penalties to which any person subjected himself by bearing false witness, made oath that he would tell the truth, and, being asked the usual preliminary questions, said that his name was Ramon Gonzalez y Gravote; that he was a native of Santa Cruz de Teneriffe, married, 38 years of age, and a diver in the employ of the board of works of the port; he said that he had no interest, either direct or indirect, in the case now before the court.

When asked whether he had worked in the examination of the bottom and the sunken portion of the American ironclad *Maine*, and if so, how many days, and with what result, he said that he had, indeed, worked in the examination of the sunken portion of the *Maine* from the 2d day of the current month until the 18th without interruption, except on holidays, and on one day when the rain prevented him from working; that he had been every day, and that he could recapitulate what he had seen in the following; that he began the examination on the port side, aft, but did not find any serious damage there; that he examined the spaces occupied by the boilers, forward, on both sides, and found that all the plates, which had apparently formed the sides, were bent outwards; that, in the center of the hull, there was such a mass of plates, irons, cable conductors (apparently for electric light), pieces of wood (projectiles, some whole and others broken) together with other objects, that it was impossible to get down into the hull of the vessel.

That in examining the forward part, on the starboard side, he found a small anchor, broken on one side; that, throughout an extent of two or three fathoms, it was found to be intact, although bulging outwards; continuing the same examination, forward, on the same port side, a double bottom was found in which there was apparently no break whatever; that, moreover, there were found on the port side of the same double bottom an orlop-gangway, the sides of which were intact, and within several pieces of iron, melted and broken, which had evidently stopped there; that, when the water around the vessel was examined, in a radius of from 50 to 60 metres, remnants of plates, hand-rails, and shapeless masses of all kinds and sizes were found, it being impossible to tell from what part of the vessel they were.

The bottom was found to be full of mud, without any cavity whatever except those caused by objects which fell during the explosion; that the bilge and keel of the vessel, throughout its entire extent, were buried in the mud, but did not appear to have suffered any damage; that he did not find the large turret on the starboard side, forward,

nor could he form a correct idea of anything more, because the confusion of objects prevented him from penetrating into the interior portion of the vessel; that the point of rupture was at the same height, both on the port and starboard sides; that the rupture was caused by the uniting of two plates, the aft plate remaining intact, and the rivets which fastened it having been broken in two, their heads remaining in their places on the inside, and the rest outside of their orifices.

That some coal was found outside of the coal bunkers, on the mud, on both sides; that on the port side there was a boat of the kind propelled by steam, apparently uninjured, or at most with but slight injuries. There was another boat, farther aft, hanging from its davits in the uninjured portion of the vessel.

Here the deposition ended, and deponent read it and ratified its contents, and signed it with his honor the judge, and with the clerk of the court, who certifies.

RAMON GONZALEZ GARABOTE (sic). [Flourish.]

PEDRO DEL PERAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### DEPOSITION OF JUAN HERNANDEZ, DIVER.

In the city of Havana, on the 21st day of March, 1898, appeared the aforesaid diver, who, having been admonished that he was under strict obligations to tell the truth, and was warned of the penalties incurred by any person who bears false witness, made oath that he would tell the truth, and being asked the usual preliminary questions, he said that his name was Juan Hernandez y Cabrera, a native of Santa Cruz, in Teneriffe, married, 29 years of age, a diver in the employ of the board of works of the port. He declared that he had no interest, either direct or indirect, in the case before the court.

He was then asked whether he had worked in examining the bottom of the *Maine* and the submerged portion of that vessel, how many days he had worked, and with what result. In reply to which he said that he had worked from the 2d to the 18th day of the current month without any interruption except on holidays and rainy days, and that he had seen the following: That he began to examine on the starboard side of the vessel, beginning aft and going forward, but found nothing remarkable until the point of rupture marked in the plan, which corresponds exactly to the forward side of the coal bunkers in the center from port to starboard; that the rupture of the side is perfectly well marked in the joining of the vertical plates; that the plates which run aft are intact, their rivets being preserved, together with their heads on the inner side, and the separated plate without the riveted portion or head which belonged to it; that in the portion comprised between the rupture and the rear portion of the vessel there was a boat hanging from its davits with a canvas cover, and that he examined from the point of rupture, going aft without finding any side or plates of that kind for a distance from the prow of 5 or 6 meters; that it was almost intact, although not down toward the outside portion.

That he there found an anchor broken in the side and a chain which went from the hawsehole, which is in the chain box; that in the place in which ——— was the plates are seen which have fallen upon the mud, always toward the outside; that on a more careful examination a part was found which had apparently belonged to the hold of the vessel, because there appeared a double bottom, one portion of which was detached from the other by vertical plates which divided it into small

compartments communicating with each other through large oval holes; that near to the coal bunkers, on that side toward the forward part of the rupture, a quantity of coal was found scattered over the mud; that projectiles for the cannon were likewise seen of ten inches, and also of 6, and also for rapid-firing guns and even of Mauser rifles, some of them having burst and others being whole; that when examined on the outside throughout an extent equal to one-half of the length of the vessel around the hull remnants were found, more or less large, of plates, timbers, utensils, etc., at the bottom, which consists of loose mud, without any hole or cavity, presenting a uniform aspect.

That, examining the side on the starboard, the rupture was found at the same height as on the other side, with the difference that the forward part does not exist, and that on this side the remnants hurled out of the vessel are less numerous; that the part of the side which exists is knocked down on to the mud as far as the point of rupture; that on the inside of the vessel it has been impossible to make a careful examination on account of the pile of plates, irons, electric cables, and fragments of all kinds which prevent this; the filthy condition of the water likewise renders such work difficult; that they saw jars of powder, some of which had burst, and another—only one—was entire with the bag inside. This deposition stopped here and deponent signed it, after having read it and having ratified it; he signed it with his honor the judge and with the clerk of the court, who certifies.

JUAN HERNANDEZ. [Flourish.]

PEDRO DEL PERAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### DEPOSITION OF JOSÉ MANUEL ALVAREZ.

In the city of Havana, on the 21st day of March, 1898, appeared the above named diver, who, having been admonished that he was under strict obligation to tell the truth, and being warned of the penalties incurred by any person who bears false witness, made oath that he would tell the truth, and being asked the usual preliminary questions he said that his name was José Manuel Alvarez Muñiz, a native of Asturias, 37 years of age, and married, and that he had been a diver in the navy since the year 1887: he said that he was not interested, either directly or indirectly, in the case before the court. Being asked whether he had worked in the examination of the bottom and the submerged portion of the North American ironclad *Maine*, he said that he had indeed worked from the 2d day of the current month until the 18th, except on holidays and the 3d day of the month, which was rainy, and also the 11th, 12th, and 10th, when they were working on a Norwegian steamer in the dock.

He said that he began the examination at the point of rupture on the starboard side, and that he could not distinguish or reconstruct any portion of the vessel from that point, because the plates were in different positions and many of them were buried; that of the iron plates he only saw a few on the port side toward the middle; that the vessel in her forward half was broken up, and that in her inner portion the examination was difficult, especially when they were at work, because the American divers were working there; that the lowest portion of the vessel must be buried, and that among the plates and scattered pieces there is not one that can appear or be of the keel; that there were no cavities or rough places or large holes in the bottom, and that on the starboard side this appears higher than on the ———, which leads to the presumption that it was buried more on this side.



That he did not find the turret; that on the starboard side, forward, he had the vessel attempting to look for it by soundings and examinations for more than 30 meters away from the vessel without any result whatever; that he found a steamboat which had been knocked out of the vessel on the port side that was apparently uninjured; that he could not catch the stem of the boat or with the ———, to which the vessel was tied, or with any cannon; that he saw large pieces of the deck and of the side of the steamer lying at the bottom and being inverted. For instance, the wooden portion of the deck lay at the bottom and the wrong side was exposed, showing the beams; that they thought they had found the stem, but on a careful examination it appeared that it was not the stem; that he found the foremast forward and on the port side, away from the vessel, without yards and broken, and they saw on the starboard side forward a large anchor without stock, but with its chain whole.

That he saw on the starboard side, about 20 meters from the hull, a number of hand rails, and a gun carriage with its wheels; that on the inside it was impossible for him to see anything more, not only on account of the confusion with which things were piled up but because the American divers prevented him from working or from undertaking to work there.

This deposition stopped here, and deponent read it, ratifying and signing it, together with his honor the judge, and with me, the clerk of the court, who certifies.

JOSE MANUEL ALVAREZ. [Flourish.]

PEDRO DEL PERAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

#### DEPOSITION OF CRISTOBAL ABELLEIRAS.

In the city of Havana, on the 21st day of March, 1898, appeared the above-named diver, who, being admonished that he was under strict obligations to be truthful, and warned of the penalties incurred by any person who bears false witness, made oath that he would tell the truth; and being asked the usual preliminary questions, he said that his name was Cristobal Abelleiras Serantes, that he was a native of Ferrol, 34 years of age, married, and that he had been a diver in the navy since 1891. He said that he had no interest, either direct or indirect, in the matter before the court.

Being asked whether he had worked in the examinations of the bottom and the submerged portions of the North American ironclad *Maine*, he said that he had; that from the 2d to the 18th instant he had been employed in that way, with the exception of the holidays and of the 3d instant, which was a rainy day, and also of the 10th, 11th, and 12th instant, on which days they were working on a Norwegian steamer in the dock; that he began to examine from the point of rupture on the port side, and from that point no side was found and no plan whatever could be followed, there being everywhere an indescribable confusion of plates and pieces of the vessel; that it was impossible to see much on the bottom, because the water is very filthy, and moreover because when any motion is made there the mud becomes agitated and more roilly.

That on the inside where he descended they found forward a mass of pipes which he thinks belonged to the torpedo chamber; that at the bottom there was no cavity, no crevices, and no holes worth mentioning, and that the entire vessel forward appears open, having undoubt-

edly burst toward the outside; that on the port side, forward, he found an appliance for casting anchor attached to its block on the side, and on the starboard side he found an anchor without stock with its chain. This deposition stopped here, and deponent signed it after having read it and ratified it with his honor, his judge, and with me, the secretary, who certifies.

CRISTOBAL ABELLEIRA. [Flourish.]

PEDRO DEL PERAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

On folios 160 and 161 of this examination are two plans. On folios 162 and 163 of the same are two statements of expenditures supplied and to be supplied for the account of the examining court in connection with the disaster to the ironclad *Maine*. The former amount to \$180.65 and the second to \$74.

Statements of the persons who distinguished themselves most on the night of February 15, 1898, in connection with the disaster to the *Maine*, they having been the persons who first came to render assistance to the victims:

The Illustrious Marquis of Esteban, municipal alcalde of Havana; Don Enrique Solano, second brig. gen'l. and maj. gen'l. chief of staff of the army of operations in this island.

Don Julio Perez, lieut. in the navy, and

[Here follow the names of about seventy-five soldiers and sailors, with their ranks, and civilians, with their occupations.]

Havana, Mch. 22, 1898.

PEDRO DEL PERAL. [Flourish.]

Judicial act. Havana, Mch. 22, 1898. Three communications have been sent to the superior authorities, one of them stating the impossibility of the continuation of the work of our divers, who are impeded by the labors which are being performed by the American divers; and another, giving a statement of the expense caused by this business from the 5th instant up to date; and another, containing a list of the persons who most distinguished themselves on the night of the disaster by the promptness and efficiency with which they hastened to the scene of the disaster. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

Judicial act, Havana, Mch. 22, 1898.

Copies are subjoined of the statement of expenses and of the list of the persons who most distinguished themselves on the night of the disaster which are referred to in the foregoing judicial act. I certify.

JAVIER DE SALAS. [Flourish.]

PERAL. [Flourish.]

DEPOSITION OF DON ENRIQUE FREIXAS, NAVAL LIEUTENANT.

In the city of Havana, on the 22d day of March, 1898, appeared, having been duly summoned, the above-named officer, who, having been admonished of the obligation under which he was to be truthful and of the penalties incurred by any person who bears false witness, made oath

that he would tell the truth, and being the usual preliminary questions, he said that his name was Don Enrique Freixas y Ferran; that he was of full age; married; a lieutenant in the navy; employed in the office of the captain of the port of Havana. He declared that he was not interested, either directly or indirectly, in the case before the court.

Being requested to tell all that he knew with regard to the blowing up of the American ironclad *Maine*, he said that he heard a passenger, the Rev. Father Marizosa, a native of Mexico, who was on board the steamer *City of Washington*, enroute for Mexico, who witnessed the disaster from the steamer on board of which he was, and which had just anchored—that he heard Father Marizosa say that slight detonations were at first heard, similar to those of fireworks, which kept on increasing, and that he also saw light on board of the vessel greater than would have been afforded by the vessel's ordinary lights. Soon after the great explosion followed by the phenomena already known, which were seen by most of the witnesses.

He further stated that he heard another passenger who was on board of the same vessel, and whose name he does not know, state the fact in the same manner. He added that he asked both of the aforesaid witnesses whether they had observed any motion of the water, any liquid column, or trembling on board of the vessel on which they were, and that they answered No. This deposition stopped here, and after he had read it the deponent signed it, with his honor, the judge, and with me, the clerk of the court, who certifies.

ENRIQUE FREIXAS. [Flourish.]

PEDRO DEL PARAL. [Flourish.]

JAVIER DE SALAS. [Flourish.]

YOUR EXCELLENCY:

On the night of February 15 last a dreadful and extraordinary event disturbed the usual tranquillity and internal order of this bay. A mournful catastrophe had occurred on board the North American ironclad *Maine*.

Having been instructed by your excellency, in the letter which gave rise to the present proceedings, to proceed with all possible promptitude and energy to the investigation of the matter in question, I began my preliminary proceedings while the flames produced by the explosion were still rising from the vessel, and while some lesser (explosions), caused, no doubt, by the action of the heat upon the shells and other explosives, were heard at intervals.

The undersigned immediately ordered all persons to be summoned who, owing to their being in the vicinity of the said vessel, could give any explanation or information with regard to the disaster, or any account of its effects, and I requested the attendance of an official interpreter of the Government in order that he might act as such in the taking of such depositions as might necessitate his services, and I wrote to the consul of the United States of America in this capital, requesting the attendance of such of the principal officers and men of the crew of the *Maine* as might be in a condition to testify.

As Don Francisco Javier de Salas, a lieutenant in the navy, the secretary of the court of enquiry, was asked by an American officer, a few minutes before the beginning of the proceedings, whether the explosion could have been caused by a torpedo, notwithstanding the emphatic expressions of public opinion, which immediately rejected this supposition as absurd, and which were corroborated by arguments easily understood by every naval officer, I thought it expedient

to direct the investigation along this line on account of the facility of obtaining sufficient data to show the external action during the moments following submarine explosions, which are so peculiar in their character, and so well known to all who have witnessed them and studied them in their effects.

The North American man-of-war *Maine*, of 6,682 tons displacement, made of steel, 318 feet in length, 57 feet beam, and 22 feet in depth, having double engines of 9,293 indicated horsepower, launched in New York in 1890, entered this port on the 24th January of this year, and anchored at buoy No. 4 (see the part of the plan at folio 101).

The undersigned has heard unofficially the reason of the arrival and stay in these waters of the ironclad in question. For this it was sufficient to call to mind the royal order of August 11, 1882, which permits, in ordinary times of peace, the entrance of foreign squadrons and single vessels into our ports without any other restrictions than those prescribed by the Ordinances of the navy, and that of obedience to the police regulations established in those ports.

Taking the said Buoy No. 4 as the centre, the depth of the bay varies, within a radius of a hundred metres, from thirty to thirty-six feet, with a bottom of loose mud. The *Maine*, when she came in, drew 22 feet, and the depth of the water at the place where she is sunk is 32 feet at the bow and 30 feet at the stern.

On the night of the sad occurrence the Spanish cruiser *Alfonso XII* was anchored at Buoy No. 3 and the naval steam transport *Legaspi* at No. 2, distant 140 and 240 metres, respectively, from the said Buoy No. 4.

At the moment of the explosion there was no wind and the water was very smooth, as it usually is in this bay at that hour.

The rise of the tide in the harbor is one and a half feet, and high tide on that day was at 4 p. m.

Before proceeding to the consideration of other data, I think it well to recall to your excellency's enlightened mind the phenomena which accompany the explosion of a submarine mine, meaning thereby what is known under the generic term of torpedo, and leaving aside all that can apply exclusively to a subterranean mine, on account of the utter impossibility that such a mine could have been prepared without batteries (elementos), or even with batteries, without the knowledge of the authorities and of the public generally.

The ignition of the torpedo must necessarily have been produced either by collision or by an electrical discharge, and as the state of the sea and the wind did not allow of any motion in the vessel the hypothesis of a collision at that moment must be rejected, and we must consider that of an electric current sent by a cable (wire) from a station; but no traces or signs of any wire or station have been discovered.

The phenomena observed in submarine explosions are as follows: When the ignition takes place, the explosive substance is converted into a gaseous one and forms a bubble, which, owing to its ascensional force, tends usually to rise to the surface in a vertical line, producing a detonation more or less loud in proportion to the quantity of explosive material employed and the depth at which it is placed, and accompanied by a column of water, the height of which is likewise in proportion to the two circumstances mentioned.

At the same time a certain quaking (trepidacion) is noticed on the shore, which varies directly in proportion to the amount of explosive matter used, its greater immersion, and its nearness to the bottom; and, besides, a very peculiar shock is observed against the sides of vessels, which varies according to the distance, and which, owing to

the incompressibility of the water, does not, according to experiments, diminish in inverse proportion to the square of the distance.

Another important phenomenon, to which great weight should be attached in this case, on account of the peculiar nature of the harbor, is the presence of dead fish on the surface (of the water), usually caused by the rupture of the natatory bladder.

The action of torpedoes on vessels is very variable, and depends, besides, on the resistance of the hull which it strikes, the quantity of explosive matter, and the distance.

No known case has yet been recorded where the explosion of a torpedo against the side of a vessel has caused the explosion of the magazines.

As is seen by the plans (diagrams), there was nothing but powder and shells in the forward magazines of the *Maine*.

It appears from the examination of witnesses:

Don Julio Peres y Perera, naval lieutenant of the first class, states in his deposition that he was in his shears house (casa de la machina), about four hundred yards from the said vessel, when, at about 9.35 p. m., he saw an enormous blaze of fire rise toward the zenith and to a great height, followed by a terrible explosion. He adds that almost the whole of the ironclad was covered by a thick smoke, that the illumination was instantaneously extinguished, and that an infinite number of colored lights passed away into space. The moment after the explosion all was dark until, a little later, the awful scene was illuminated by the brightness of the fire, which was certainly caused by the explosion.

The witness says that other explosions, apparently of shells, followed, which continued until two o'clock in the morning, at which hour the fire began to diminish.

The witness saw the bow sink a few minutes after the explosion, and he asserts that there was no column of water nor the least movement in the water (mar), and that there was no shaking of the land on the shore.

The other depositions of witnesses confirm the description of the explosion given by this officer, and they all agree that they noticed no movement in the water, and that they felt no shock of the water, although some of them were on board vessels as near the *Maine* as the *Alfonso XII*.

During the early hours of the morning the undersigned, accompanied by the secretary, made a close examination of the bay without finding any dead fish, or injuries of any kind on the piles of the piers.

Don Francisco Aldao, the head pilot, testifies (page 80 and back) that the harbor of Havana abounds in fish, and that there are persons who devote themselves to this industry with profit, and the technical assistant of the junta of the harbor works, Señor Ardois, who has been engaged upon them for many years, states that, without any exception, whenever small blasts have been made with charges (of powder) varying from five to twenty-five pounds, for the purpose of blowing up hulls of vessels, loose rock, and even shoals in the bay, a great number of dead fish have been found inside the hulls or floating on the surface of the water.

For the purpose of procuring the greatest possible number of data, several experiments were made, to which the diagrams at pages 160 and 161 refer.

In continuation of the investigation, on the 16th February the United States consul was requested, through your excellency, to procure the attendance of some of the surviving officers and sailors of the *Maine*, in order to receive such testimony as they might see fit to give with

regard to the occurrence. On the same day, through the same medium, permission was requested to examine the bottom of the vessel. On the 18th February I again applied to your excellency to procure from the commander of the *Maine*, either directly or through his consul, exact information as to the quantity of explosives still existing in that part of the vessel which had not been burnt. On the 21st I went to the American steamer *Mungus* (?) for the purpose of having an interview with Mr. Sigsbee, the commander of the *Maine*, who expressed to me his wish that the Spanish investigators might be present at the operations of the American official diver. On the same day I again wrote, asking for permission to proceed to the examination of the ironclad. On the 22nd I repeated my visit to the *Mangrove*.

On the 19th February the authorities had replied, stating that by agreement with the commander of the *Maine* and the United States consul-general the examination requested in my letter of the 18th would be made as soon as those gentlemen received the appliances and divers whom they had asked for.

On the 24th I received an important communication, dated February 17, enclosing one from his excellency the Governor-General of this island, stating that the commander of the *Maine*, upon being consulted as to the steps necessary to the success of this investigation, had replied that he expected to execute all the operations necessary to the examination of the vessel which had been under his command under his own supervision, in accordance with the provisions of the regulations of the American Navy.

It was at last possible to make use of the new mode of investigation offered by the work of the divers, as it was discovered from what they have accomplished up to this date that the hull of the wrecked vessel is apparently buried in the mud, and that the examination of the outside is impracticable, but that it may be possible to examine the inside when the multitude of articles of all kinds which are lying in confusion in it have been removed.

The divers, having been instructed to examine and describe everything that they might notice at the bottom of the bay and nearest to the sunken vessel, reported that they had not found in the mud which forms the bottom any inequalities or fissures—such as the examination of the bottom of the bay at the place occupied by the *Maine* and the hull (*calado*) of the vessel would doubtless have brought to light, on the supposition that a torpedo had been the cause of the catastrophe. This imaginary explosive apparatus (*artificio*) must necessarily, in this case, have been placed at the very bottom of the bay or very near it, and when it exploded would have caused the gases to react upon it, and, at the same time that it produced a greater effect upon the water upward it would have made large fissures (*deformaciones*) in the mud.

It appears from the examination of the wreck of the *Maine*, part of which is afloat, made by the undersigned, the commandants of artillery, the commandant of engineers, and the commander of the torpedo brigade, the report of which appears at page 24, that whatever may have been the original cause of the disaster, there is no doubt that there was an explosion in the forward magazine, which entirely destroyed the decks and bulkheads, which now display the appearance of a shapeless mass of boards, bars, and pipes of metal, very difficult to describe. In particular, may be noticed a large fragment of the forward deck, which must have been raised in the most violent manner and bent double toward the stern by the forward stack house, like an immense sheet of iron, with a considerable inclination to starboard, which, upon turning over, hurled out of the ship the forward turret containing two guns,

which was situated on the starboard side, and another gun with a shield which was placed within the ship on the second deck. When the deck was bent double, as has been said, the smokestacks must have fallen. On the present upper side of this deck may be seen the beams and the knees which fastened them to the sides of the ship.

The whole stern is submerged, with the mainmast in place and intact, so much of it as can be seen above the surface of the water, including the lights (glasses) of the skylights of the cabin hatchways, and the glasses of one projector (projector).

The gentlemen above mentioned assert that the injuries described could only have been caused by the explosion of the forward magazine.

In order to give a better idea of the general appearance presented by that part of the ship which has been described, photographs were taken, which are shown at page 125 and following.

Notwithstanding what has been stated, it is proper to insist upon the fact that there is not a single instance on record, as has been already said, where the external action of a torpedo against the side of a vessel has caused the explosion of its magazines, although many vessels are recorded as having been totally destroyed by torpedoes, as may be proved by C. Sleeman's work entitled *Torpedoes and Torpedo Warfare*, published in London in 1889, in which treatise there is a detailed account, extending from page 330 to page 338, inclusive, of the principal events of this nature which have occurred from 1585 to 1885; and this inventory of marine disasters includes a great number of United States men-of-war which destroyed Confederate vessels by means of torpedoes.

H. W. Wilson's treatise, Volume II, published in 1896, and entitled *Ironclads in Action. Naval Warfare from 1855 to 1895* may also be consulted on this subject.

On the other hand, there are recorded in the history of all the nations in the world, and especially in modern times, a proportionate number of events sufficing to prove the comparative facility with which ships of war are liable to become the victims of unknown and fatal accidents, owing to combinations which may result from the various and complicated materials employed in their construction and armament, as it is, in many cases, impossible to guard against them except at the cost of terrible calamities.

The knowledge of the spontaneous combustion of the coal in the coal bunkers is within the reach of all, and there is not a navy officer who can not relate some sad episode attributed to this cause.

This danger is increased when the coal bunkers are separated from the powder and ammunition magazines only by a bulkhead of iron or steel, and it becomes imminent when the heat developed in the coal is conveyed to the magazines, as has happened in several cases. To prevent them recourse has been had to the study of a ventilation sufficient to prevent the accumulation of gases and the development of caloric, taking, in addition, the temperature of the coal bunkers at proper intervals. In spite of all this, cases of spontaneous combustion have occurred repeatedly, and it is astonishing that the powder and shell magazines should still continue to be placed in immediate contact with the coal bunkers.

Don Saturnino Montojo, an illustrious lieutenant in our navy, relates a very remarkable case which happened to the unfortunate *Reina Regente* when she was being built at Clydebank. Señor Montojo says that the shafts of the screws passed through several water-tight compartments, which together formed a tunnel for the passage of the shaft. The compartment on the port side of that of the wheel of the

helm was furnished with a register (registro) for the purpose of inspecting the shaft, and upon a workman attempting to draw out a small screw there was an explosion causing a small fracture of the side on the exterior, and filling the stern compartments of the vessel with water; but the ship did not sink entirely, thanks to the other watertight compartments and to the powerful pumps with which the ship was provided, which were set to work, and kept her afloat.

This accident was attributed to the fact that the compartment in question had no ventilation. It is evident that gases are formed in any of the places mentioned by the electric action developed by the fatty substances combined with the paint, the water, etc.

If there is any ventilation, these gases have an outlet, but if there is none they accumulate and finally acquire a certain tension, and when they are brought into contact with a light or sufficient heat their explosion follows, as frequently occurs in mines and coal bunkers. The eighty or ninety (coal bunkers) of the *Reina Regente* had each a ventilation pipe and a temperature pipe. If, notwithstanding all this, any accident should obstruct or clog the ventilation, or if due attention is not paid to the temperature, or even when such attention is paid, if its indications are not good, the adoption of urgent measures of safety will merely diminish the danger, without making it disappear entirely.

The loss of the English vessel the *Dotterel*, which has been so much studied and discussed, was due to the use of a drier (drying oil) employed in painting and known under the name of the "zerotina drier."

In trade some of the varnishes and ingredients used in the painting of vessels are now recommended by protecting them with patents as not liable to produce inflammable gases.

The English scientific magazine *The Engineer*, No. 2189, of December 10, 1897, publishes an important article entitled "Shell accident at Bull Point," showing the possibility of the explosion of a shell, not by the fuse, but by the spontaneous breaking of the shell itself. The shell of which the author of the article speaks was made for a 4-inch gun, weighed 25 pounds, used the Leadenham fuse, and had a hardened point, tempered in water.

These instances suffice to prove that, in spite of all the precautions that may be taken, there may occur on board of modern vessels, especially war vessels, many unforeseen accidents, arising from the combination of such diverse substances as those which are employed in their armament, so difficult and dangerous to manage, accumulated in large quantities and exposed to the action of heat and electricity almost constantly, each unhappy accident serving to regulate services on the basis of precautions, and to cause precautions to be taken, so far as possible, with every new agent which necessity compels us to accept in the most recent constructions.

Consequently, in view of the result of the proceedings and the merits of the observations submitted, the undersigned considers it his imperative duty to state the following conclusions:

First. That on the night of February 15 last an explosion of the first order, in the forward magazine of the American ironclad *Maine*, caused the destruction of that part of the ship and its total submersion in the same place in this bay at which it was anchored.

Second. That it is learned, from the diagrams of the vessel, that there were no other explosive substances or articles in that magazine, the only one which exploded, than powder and shells of various calibers.

Third. That the same diagrams prove that said magazine was surrounded on the port side, the starboard side, and partly aft, by coal bunkers containing bituminous coal, and which were in compartments



adjoining the said magazine, and apparently separated from it only by metal bulkheads.

Fourth. That the important facts connected with the explosion, in its external appearances, at every moment of its duration, having been described by witnesses, and the absence of all the circumstances which necessarily accompany the explosion of a torpedo, having been proved by these witnesses and experts, it can only be honestly asserted that the catastrophe was due to internal causes.

Fifth. That the character of the proceedings undertaken and respect for the law which establishes the principle of the absolute extraterritoriality of a foreign war vessel, have prevented the determination, even by conjecture, of the said internal origin of the disaster, to which, also, the impossibility of establishing the necessary communication, either with the crew of the wrecked vessel or with the officials of their Government commissioned to investigate the causes of the said event, or with those subsequently entrusted with the issue, has contributed.

Sixth. That the interior and exterior examination of the bottom of the *Maine* whenever it is possible, unless the bottom of the ship and that of the place in the bay where it is sunk are altered by the work which is being carried on for the total or partial recovery of the vessel, will prove the correctness of all that is said in this report; but this must not be understood to mean that the accuracy of these present conclusions requires such proof.

Believing that I have fulfilled all the requirements of article 246, Title XIV, Chapter I, of the Law of Military Procedure of the Navy, in accordance with which, and with your excellency's orders, this investigation has been made, I have the honor to transmit this report to your excellency's hands that you may come to a correct decision on the subject.

PEDRO DEL PERAL. [Rubricated.]

HAVANA, *March 22, 1898.*

DECREE.

HAVANA, *March 22, 1898.*

His excellency ordered the investigation intrusted to him to be closed and the proceedings to be transmitted to the superior authority for his action. His excellency gave this order before me, the secretary, who certify it.

JAVIER DE SALAS. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

MINUTE.

HAVANA, *March 22, 1898.*

His excellency went, accompanied by me, the secretary, to deliver to his excellency the commandant-general of the station, these proceedings, consisting of 181 written folios, without counting the blank ones or the covers. It is recorded, which I, the secretary, certify.

JAVIER DE SALAS. [Rubricated.]

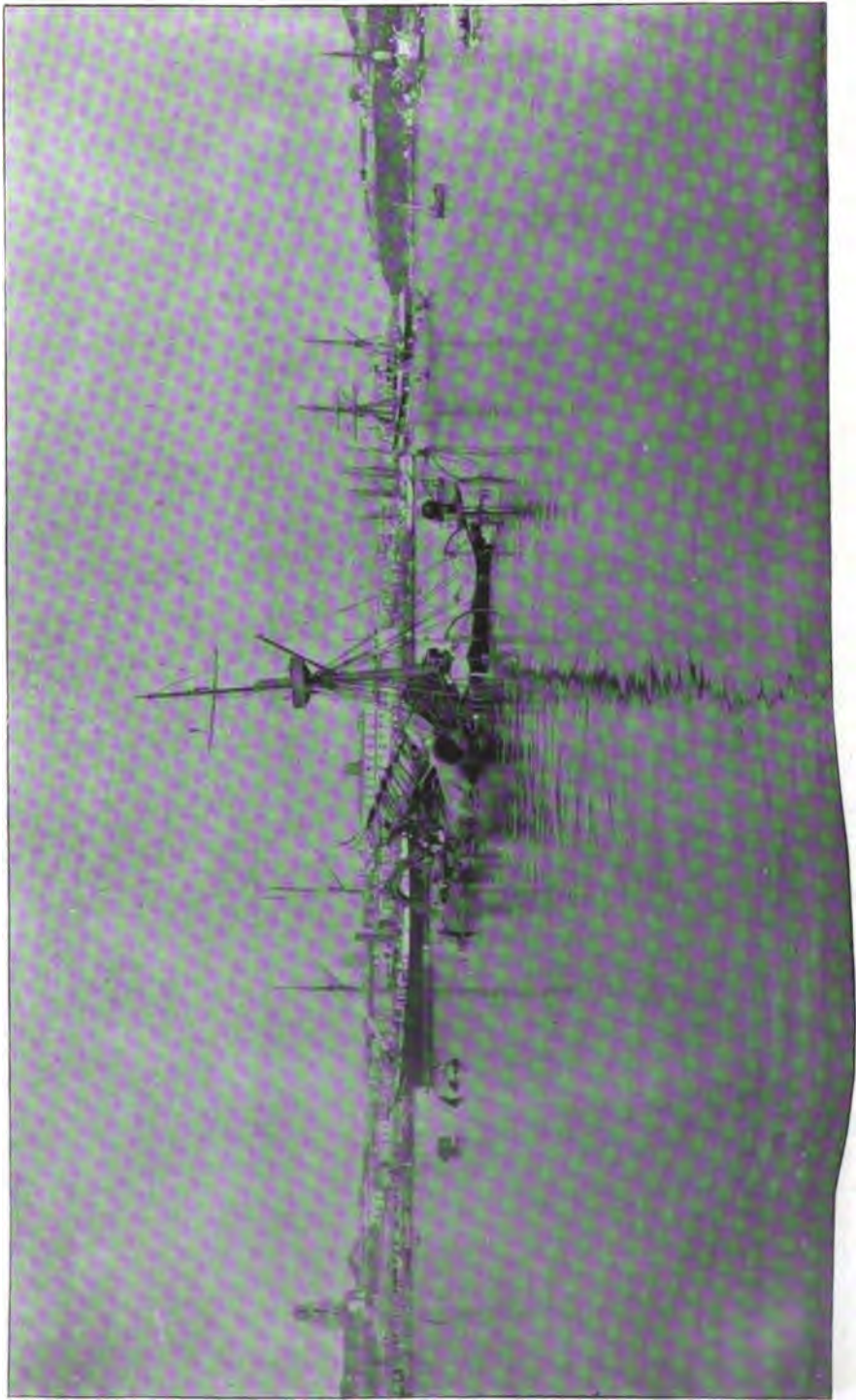
PERAL. [Rubricated.]

The present evidence is transmitted by superior verbal order, which I, the secretary, certify, with the counter-signature of the judge, at Havana, March 23, 1898.

JAVIER DE SALAS.

Approved:

PERAL.





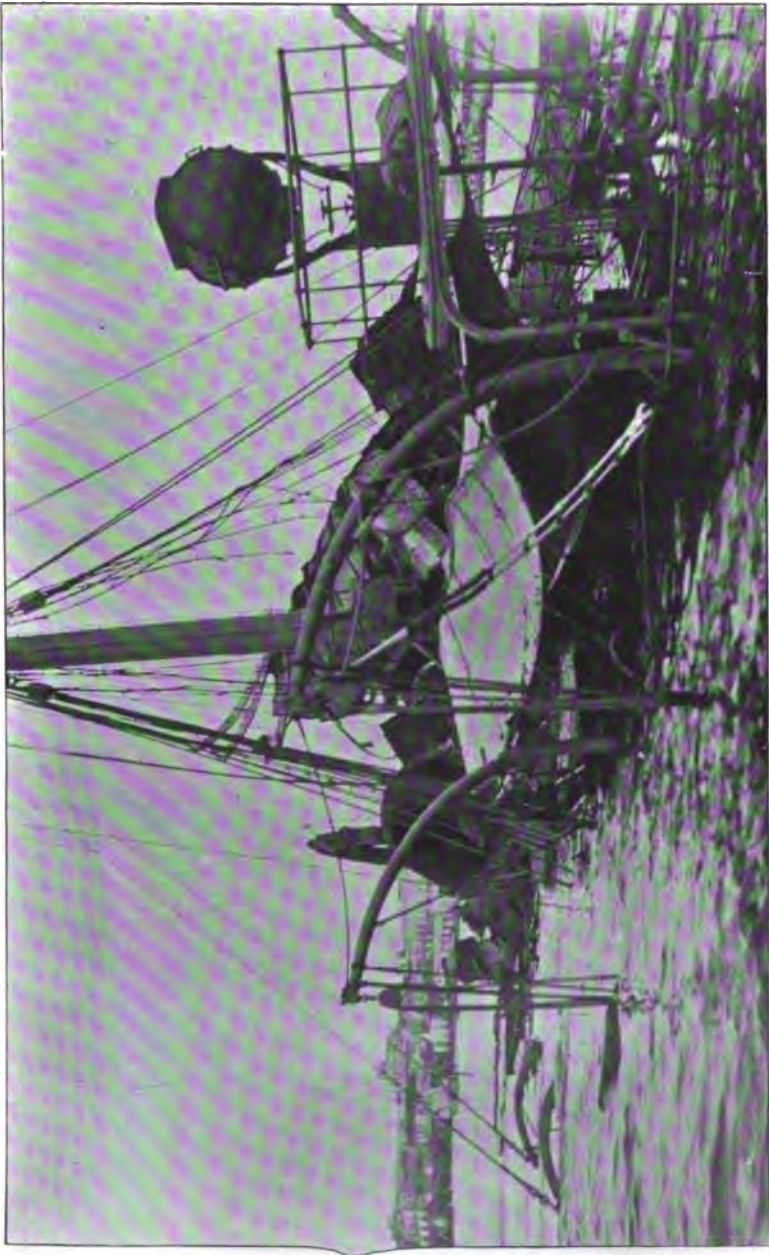












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adjoining the said magazine, and apparently separated from it only by metal bulkheads.

Fourth. That the important facts connected with the explosion, in its external appearances, at every moment of its duration, having been described by witnesses, and the absence of all the circumstances which necessarily accompany the explosion of a torpedo, having been proved by these witnesses and experts, it can only be honestly asserted that the catastrophe was due to internal causes.

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PEDRO DEL PERAL. [Rubricated.]

HAVANA, *March 22, 1898.*

DECREE.

HAVANA, *March 22, 1898.*

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JAVIER DE SALAS. [Rubricated.]

PEDRO DEL PERAL. [Rubricated.]

MINUTE.

HAVANA, *March 22, 1898.*

His excellency went, accompanied by me, the secretary, to deliver to his excellency the commandant-general of the station, these proceedings, consisting of 181 written folios, without counting the blank ones or the covers. It is recorded, which I, the secretary, certify.

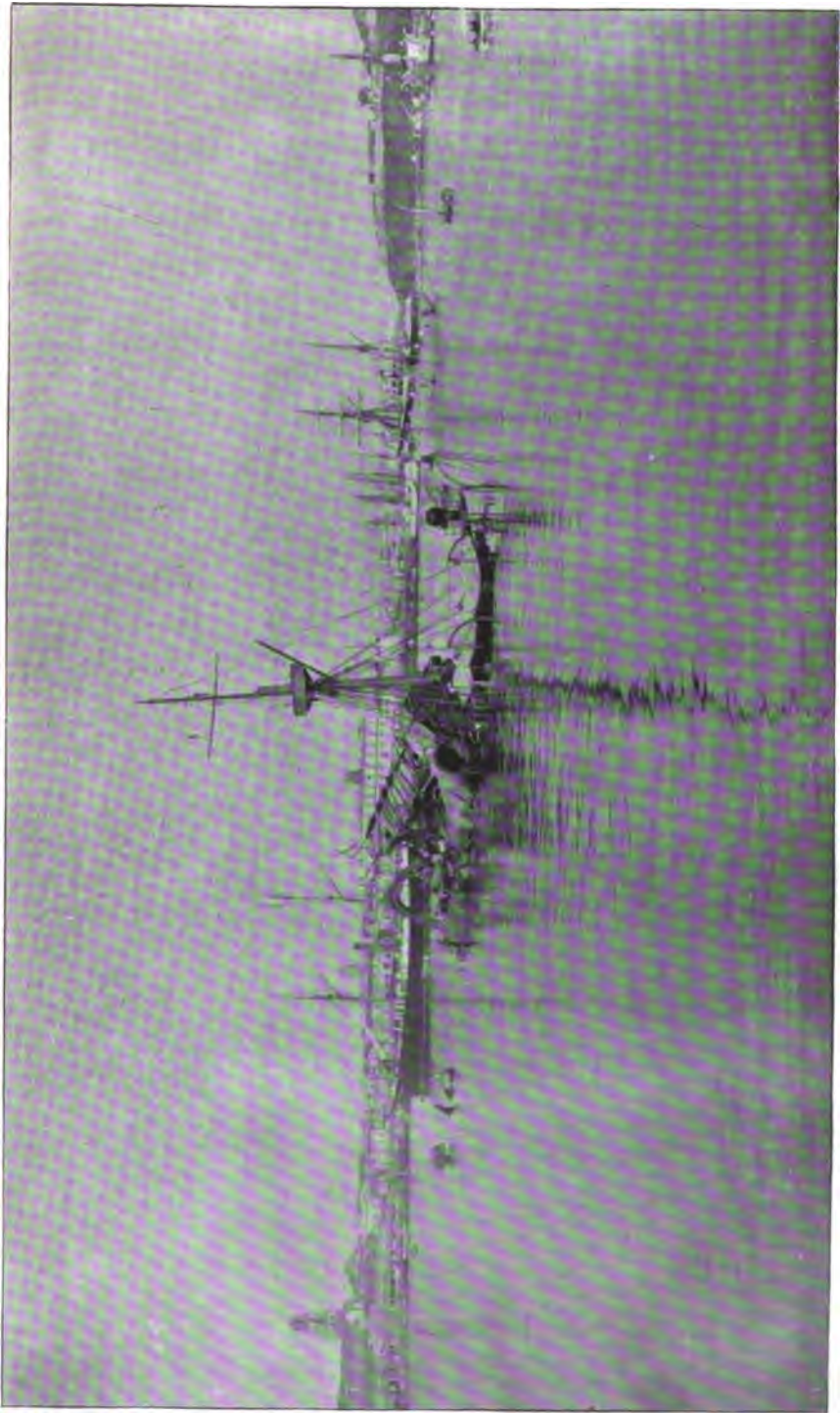
JAVIER DE SALAS. [Rubricated.]

PERAL. [Rubricated.]

The present evidence is transmitted by superior verbal order, which I, the secretary, certify, with the counter-signature of the judge, at Havana, March 28, 1898.

JAVIER DE SALAS.

Approved:  
PERAL.





















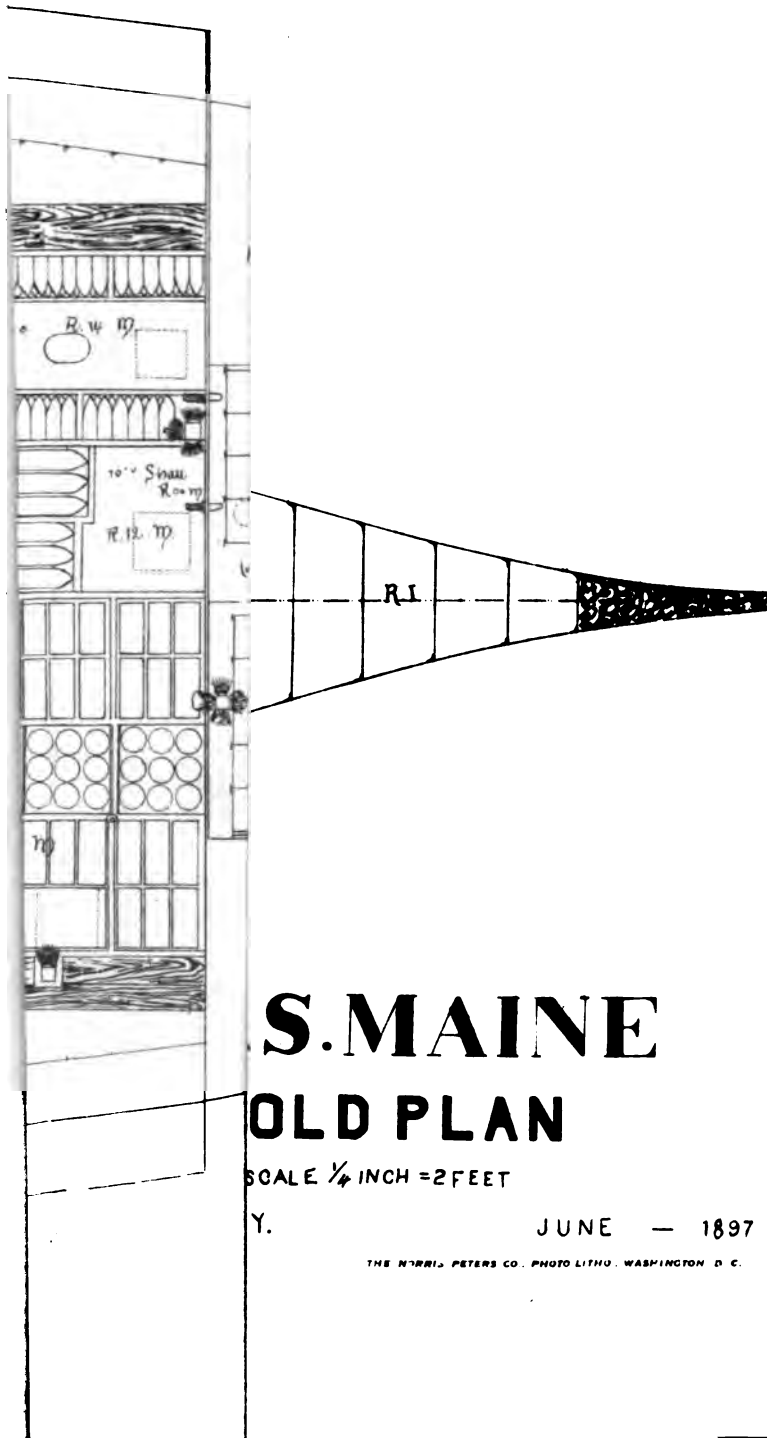






THE NORMAN PETERS CO. PHOTO LITHO. WASHINGTON, D. C.





# S. MAINE

## OLD PLAN

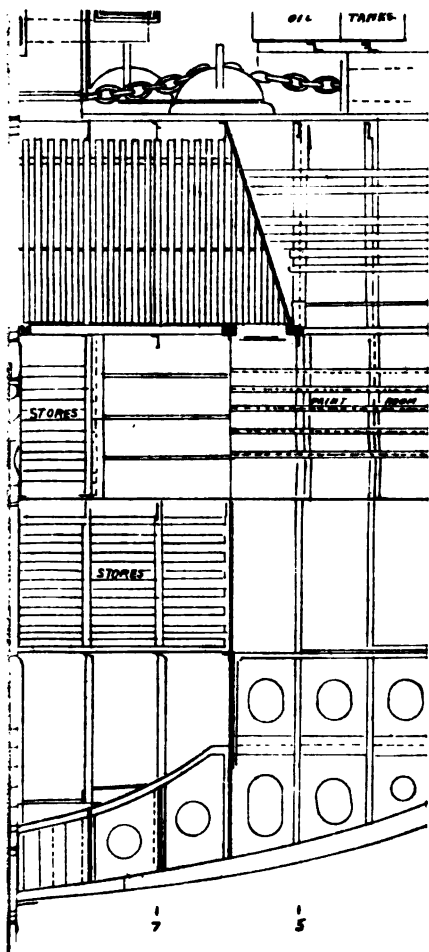
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THE MORRIS PETERS CO. PHOTO LITHO. WASHINGTON D. C.







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AFFAIRS IN CUBA.

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APRIL 18, 1898.—Ordered to be printed.

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Mr. MILLS, as a member of the Committee on Foreign Relations,  
submitted the following

VIEWS.

[To accompany S. R. 149.]

The relations existing between us and the people of Cuba are different from those existing between us and any other people on the globe.

Our statesmen from the very beginning of our Government saw the absolute necessity of our control over the destiny of that island and its inhabitants. Its position at the entrance to the Gulf of Mexico, almost in sight of our shores, makes it an object of transcendent importance to the United States. The waters of the Gulf of Mexico wash the southern boundary of five of our States. Into its bosom empty the floods of the Mississippi River and its tributaries, all of which are navigable far into the heart of the country, rendering its interior accessible to armed vessels of foreign nations. The island itself has a harbor within 100 miles of our territory second only to Gibraltar, and on whose bosom could ride in safety the navies of the world. This harbor, situated at our most exposed point, strong by its natural formation, could be made the most powerful fortress in the world; and in possession of a strong maritime nation would be a constant menace to our existence, and in case of war would put us at an immense disadvantage and compel us to prosecute it at a greater loss of the lives and property of our people. The inalienable right of self-preservation—the highest of all rights—gives to us the moral right to possess it if we think proper or to control its possession by others in order that it may not be used to imperil our existence or do us a great injury. The right to control its possession necessarily carries with it the right to control the government of its people. In the exercise of that right we have

decreed that the island shall remain in the possession of Spain and subject to such laws as she shall enact for the government of its people.

It is a well-known fact that Great Britain has been anxious for many years to add Cuba to her territorial possessions. Germany and France have each looked with a covetous eye toward its acquisition. Had it not been for the position taken and maintained by the United States, one or the other of them would have long since acquired dominion over it. If we had not notified the world that it should not pass out of the power of Spain, and Great Britain had acquired it, its people would now be ruled as British subjects. If it had passed to Germany or France, they would have been ruled as German or French colonists. In any event, they would have escaped the oppression they now endure under the power of Spain. But we determined that Cuba should never go either to Great Britain, Germany, France, or any other power, European or American, but that it should remain subject to Spain until such time as we should determine that our interests demanded that we should take possession of it and incorporate it into our Union, or until it should become independent. This we have uniformly declared, and this we have maintained throughout our history, and this we intend to continue to maintain. Therefore we have fixed the destinies of the people of Cuba, and it is not within the competency of their power to change that destiny. Whatever the oppressions they have suffered, are now suffering, or are to suffer in the future under Spanish misrule, they are all, in a serious extent, the product of our will—the legitimate consequences of our conduct.

The convulsions in Europe and America which followed the establishment of our independence manifested to Spain and to the world the weakness of her hold upon her American possessions. Conscious of her inability to maintain her own throne in the presence of a revolution which was shaking all the thrones of Europe, she was stretching out her hands for help to hold her provinces in the Western Hemisphere, all of whom had caught the revolutionary contagion. In 1795, when our minister was engaged in negotiating the treaty of that date with her, she proposed that the United States, with France, would agree to guarantee to her the continued possession of her American provinces. This our minister promptly declined. The subject of European entanglements had doubtless been the fruitful topic of many conferences among our statesmen of that day. The President who sent him to Europe as our representative had, no doubt, impressed upon him what he tried to impress upon the American people and what he so

nappily stated in his farewell address one hundred years ago, that "Europe has a set of primary interests which to us have none or a very remote relation." Washington had doubtless told Mr. Pinckney that in his negotiations he must not "entangle our peace and prosperity" in European toils. We had no interest in their dynasties, their wars, or balances of power. We had no interest in common with them but "peace, commerce, and honest friendship." We could therefore have no "entangling alliances" with any of them. John Adams, "the colossus of the Revolution," said: "We should make no treaties of alliance with any European power; consent to none but treaties of commerce, and separate ourselves as far as possible and as long as possible from all European politics and wars."

Jefferson, following Washington, and adopting Washington's expression, said we "had a set of interests distinct from those of Europe" and "peculiarly our own," and that we should have a system of our own separate from that of Europe. He said our first maxim should be "never to entangle ourselves in the broils of Europe," and our second "never to suffer Europe to intermeddle with cis-Atlantic affairs." This has been our settled policy from the beginning. Mr. Madison so understood it during his Administration. When Spain's American provinces broke out in revolt against her Crown, Mr. Canning proposed to Mr. Madison that the United States should join England in an effort to settle the differences between them. Mr. Madison declined the invitation and said "its acceptance would be a step leading into a wilderness of politics and a den of conspirators." Our greatest statesmen recognized the fact that the European "set of interests" were wholly incompatible with ours, and persistently refused all invitations to "entangle" them. There the primary interests to be secured above all others are their hereditary monarchies and aristocracies. To secure them vast military and naval armaments are organized and maintained. The boundaries of their possessions are defined and maintained by treaties of alliance called the balance of power; colonization and conquest are prosecuted by armed invasion of the territorial possessions of other people who are too feeble to repel their military forces, and by the prosecution of wars all over the earth where it may be done with safety, to advance the interests of one monarch or curb the ambition of another.

In the European "primary set" the subject is the forgotten man. If his right to life, liberty, property, or happiness enters their thoughts, it is as a secondary and not a primary interest. In America, liberty—

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personal, civil, political, and religious—is the central thought, the primary interest, around which all our constitutions and laws revolve. Here every man is a sovereign, and, as Chief Justice Jay so well said a century ago, “a sovereign without subjects.” Here, we have ordained and established written constitutions to secure that great primary interest to which we have dedicated the Western Hemisphere. Here, we secure our great interests not by military and naval establishments, but by organized civil power supported by the will of a free people. Here, we do not suppress discontent by armed violence, but correct all abuses through the administration of civil government. We have no colonies or dependencies. We wage no wars of conquest. We have rescued this continent from the dominion of monarchies and aristocracies and dedicated it to freedom secured by republican government. These are the interests “peculiarly our own,” and to preserve them for ourselves and our posterity we have drawn the lines of our security around the Western Hemisphere and its adjacent islands.

In the beginning we said to the European governments, Your possessions in this hemisphere will not be disturbed, but they shall not be extended. Your interests are in open antagonism to ours. They are “opposing and enduring” forces that can not live in close proximity. The ocean must roll between them. We can not permit you to augment your power in this hemisphere. This has been, is now, and will continue to be the language of our statesmanship. This is what has been called the Monroe doctrine, but it was declared before Mr. Monroe was President. It was uttered by our first statesmen as our policy. It was declared by Congress in a joint resolution on the 15th of January, 1811, in reference to the possession of East Florida. In the winter of 1810–11 information reached President Madison that there were indications that Great Britain was preparing to take possession of East Florida, then a province of Spain. On the 3d of January, 1811, he sent a confidential message to Congress and recommended them to declare that “the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power,” and he asked Congress to authorize him to take possession of the Floridas and hold them to secure ourselves.

On the 15th day of January, 1811, Congress, by joint resolution, did declare that the United States could not “without serious inquietude” see any part of said territory pass into the hands of any foreign power, and authorized the President to take possession of the Floridas, which

he did with the armed forces of the United States and practically held them until they were conveyed to us by the treaty of 1819. This was the Madison doctrine in 1811, the Monroe doctrine in 1823, and has been the American doctrine since 1787. In 1823, when the four great powers of Europe entered into an alliance to aid Spain to hold her revolting American colonies, President Monroe sent to Congress his message repeating the well-settled American doctrine, uttered by Madison on January 3 and declared by Congress on January 15, 1811. The principle is declared in the guarded language of diplomacy, but all the world understood it, and Europe understood it, to mean that the United States would enter that contest with all their military and naval forces and remain in it until every armed intruder from Europe was driven from this hemisphere. Here was the Florida principle applied to the States of South America. This is the doctrine that Webster said reflected great honor on Monroe and "which could not be taken back, retracted, or annulled without disgrace." President Polk repeated it in 1845 when he said "the people of this continent alone have the right to decide their own destiny," and Mr. Cass in 1855 when he said "we would not consent to the subjugation of any of the independent States of this continent by any European power."

In 1864 an Austrian prince was sent to Mexico with an armed force to establish an empire on this continent. The House of Representatives of the United States, on the 4th of April, by a unanimous vote declared that it did not accord with our policy to recognize a monarchical government in Mexico, erected on the ruins of the Republic and under the auspices of any European power. Our minister to Austria was directed to say to that Government that if Austrian subjects were sent by that Government to Mexico "the United States would not remain as silent and neutral spectators." We served the same notice on the Government of France. After the termination of our civil war we assembled an army on our border to repeat the Florida lesson, if it became necessary, and take possession of the Mexican territory and hold it long enough to expel the European forces that had come to establish at our doors their "primary interests." It is useless to add other citations. The principle we have asserted and maintained through our whole history is that every nation, like every man, has a right to do whatever is necessary to preserve its life. In Europe, where there are a number of independent states in close proximity, self-preservation is secured by enormous military establishments and alliances, offensive and defensive. Our solated position, defended by the oceans that encircle us, relieves us from

all danger from that quarter. They can only disturb us by locating their sovereignty in this hemisphere and building up their military and naval establishments on this continent or its adjacent islands. So far we have warded off that danger, and it should be our constant care not only to prevent the growth of European power in our neighborhood, but to employ our energies in the development and strengthening of republican institutions in our part of the world.

Of all the wide extended possessions of Spain in the Western world, only Cuba and Porto Rico remain to her to-day, and she holds them by the power of the United States. Their insular position, their inferiority in numbers, and being destitute of factories, guns, or munitions of war have rendered them unable to measure arms successfully with Spain, and all their struggles for independence have been vain. Spain's weakness among the maritime powers of Europe has made Cuba and Porto Rico coveted prizes among the stronger monarchies of that continent. More than once they have tried to acquire them, or, failing in that, to prevent us from doing so. When they have been assured that we would not permit any other power to acquire them, or in any manner control them, they have proposed to us that we would not acquire or control them. We have persistently declined to enter into any agreement with them on the subject. We have maintained that it was a subject about which we would consult our own welfare alone. We have in plain, positive, and unmistakable language vetoed all protectorates, alliances, and influences, European and American, over the island nearest our boundary. We have notified the world that no power on earth should take it from Spain without a death struggle on land and sea with the United States. We said to Mexico and Colombia in 1825 that we would not permit them to invade Cuba; that in case of a desolating war in Cuba we might be compelled to intervene to stop it, but that no other power should do so.

Mr. Forsythe, in 1840, and Mr. Webster, in 1843, both speaking for our Government, said to Spain and the world that we would employ the whole of our military and naval resources to prevent Cuba from being wrested from Spain, and if it should pass from her either by purchase or conquest we would employ our whole military strength to recover it. This has been our position unequivocally expressed and unwaveringly maintained at all times. We have kept Cuba like a galley slave in a Spanish dungeon. Had it not been for our action Cuba would have been an English province seventy years ago, and her inhabitants would have had the mild government which that monarchy gives to its colonial

subjects. We have prevented it. We have refused to take the island or to let any other take it who would rescue its wretched people from the cruel dominion of Spain. For more than seventy years the island has been under martial law, and its unhappy population has been hunted, pillaged, and scourged by those into whose hands we have condemned them. It has repeatedly been the scene of insurrection, but every struggle has been extinguished in blood. It is now going through the most brutal experience it has ever endured. Its people are being gathered, men, women, and children into the towns to be starved to death. Men, women, and children are being apprehended and slaughtered like wild beasts, and still we maintain our position that we will not rescue them nor permit any other to do it.

When our population was 10,000,000 we said to the world we would intervene and stop a desolating war. Can we not do it when we have more than 70,000,000? If we hold our primacy over that island for our self-preservation, have not its people the same right to their self-preservation and the right to demand of us that while we are securing ourselves we shall also secure them? In asserting our power to control the destiny of that island and its people we have assumed responsibilities of the gravest kind—responsibilities from which there is no escape. There is no tribunal on this earth that can call us to its bar and compel us to discharge the obligations which we have assumed. But there is One whose sleepless eye numbers the hairs in every head and watches the sparrows fall, who hears the cries and sees the tears of the victims whom we have given over to Spanish despotism—who hears the clanking of the chains that we have riveted—who beholds the devouring flames from the torch which we have lighted, and witnesses the blood of babes and sucklings upon the blades which we have drawn and plunged. It is vain to say we are not responsible for the oppressions and sickening persecutions of the people of Cuba. There is not a man or woman, who knowing the facts and whose moral nature has not been depraved, who will deny it.

The heroic men who won our independence in the field and established it in the council believed in a God who presided over the destinies of nations. They appealed to him for the rectitude of their motives and conduct. They besought him at all times to look into their hearts and consciences and see that they only sought to enjoy the rights He had given them; that they sought to do no wrong to their fellows. They were earnest, brave, and sincere men, asking nothing but what was right, submitting to nothing that was wrong. They were led out



of the darkness and into the light, and by their virtues they grew and waxed strong, and to-day their children stand on the highest eminences of the moral and physical world. But can we maintain it when we are the daily participants in a great crime? Can we expect a continuance of the blessings of Heaven when we are condemning to torture, to slavery, and to extermination a powerless people who are prostrate at our feet? We will not let Cuba and her people go to those who would give them the blessings of good government. We stand by and see a weak people writhing and breaking and dying on the wheel of a barbarous despotism and content ourselves by saying, "If you can extricate yourselves, do it. We have placed you there, and no other arm shall release you, and when in your desperation you strike at your tormentors we will refuse to recognize your rights as belligerents. Spain can obtain supplies in any part of the world. You can not. If you put a vessel on the seas to war on Spain's commerce, you may be hanged as pirates. If you buy provisions and munitions in our markets, we will apprehend your vessels and refuse to let them sail. If the courts release them, we will seize them again. We will preserve a rigorous neutrality to you and a vigorous partiality to Spain."

This is the position we have taken toward Cuba and its people. That our safety demands that we should control the possession of that island is not to be questioned; that in controlling the government of the island we should protect its people in the enjoyment of life, liberty, and property is equally true. We can not keep Cuba in the possession of Spain without being responsible for Spain's government of its people. We know enough of that government to know that, as an honorable people, it is our duty now to intervene and stop the extermination of the people whom we have subjected to the power of Spain.









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